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सं. 43] नई दिल्ली, शनिवार, अक्टूबर 28, 1989/कार्तिक, 6, 1911

No. 43] NEW DELHI, SATURDAY, OCTOBER 28, 1989/KARTIKA 6, 1911

इस भाग में विभिन्न पृष्ठ संख्या वाली है जोड़ी है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—लेण्ड 3—उप-लेण्ड (ii)
PART II—Section 3—Sub-Section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आवेदन और अधिसचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India (other than
the Ministry of Defence)

गृह मंत्रालय

(आन्तरिक सुरक्षा विभाग)

(पुनर्वास प्रभाग)

नई दिल्ली, 29 सितम्बर 1989

का. आ. 2692—विधायित व्यक्ति(प्रतिकरता पुनर्वास)
अधिनियम, 1954 (1954 का 44) की धारा 3 की उपधारा
(1) द्वारा प्रदत्त भान्हियों का प्रयोग करने हुए केन्द्रीय सरकार
इसके हाथ गृह मंत्रालय, आन्तरिक सुरक्षा विभाग के अधीन
पुनर्वास प्रभाग (वन्दोवस्त) में बन्दोवस्त अधिकारी श्री गुरचारन
दास को उक्त अधिनियम के अधीन अथवा उसके द्वारा प्रवर्त्त्य
अधिकारी को दीर्घ गये कार्यों का विभादन करने के दिले
तत्काल प्रभाव से प्रवर्त्त्य अधिकारी नियुक्त करती है।

[संघा-1(1)/विशेष मैल/89-एस. ए. II]

कुलदीप राय, डा. सचिव,

MINISTRY OF HOME AFFAIRS

(Department of Internal Security)

(Rehabilitation Division)

New Delhi, the 29th September, 1989

S.O. 2692.—In exercise of the powers conferred by Sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri Gurcharan Das, Settlement Officer in the Rehabilitation Division (Settlement) in the Ministry of Home Affairs, Department of Internal Security as Managing Officer for the purpose of performing the functions assigned to a Managing Officer by or under the said Act, with immediate effect.

[No. 1(1)/Spl. Cell/89-SS.II]

KULDIP RAI, Dy. Secy.

राष्ट्रीय स्कूल, शिक्षा पत्र तथा पेंशन मंत्रालय

(कार्यालय और प्रशिक्षण विभाग)

शुद्धि-पत्र

नंदि दिनांक, 11 अक्टूबर, 1989

का. आ. 2693.—विभाग के दिनांक 28 सितम्बर 1989 के समसंयक अंदेण में भाग (क) के मद 3(i) में अंक "393" को "395" पढ़ा जाए।

[संख्या 228/37/89-पत्रकाता-II]

जी. सीतारामन, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES

AND PENSIONS

(Department of Personnel and Training)

CORRIGENDUM

New Delhi, the 11th October, 1989

S.O. 2693.—In this Department order of even number dated 28th September, 1989, in Item 3(i) of part (a), the figure "393" may please be read as '395'.

[No. 228/37/89-AVD.II]

G. SITARAMAN, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नंदि दिनांक, 7 जुलाई, 1989

(अधिकारी)

का. आ. 2694.—आयकर अधिनियम 1961 (1961 का 43) की धारा 10 के खंड (23-g) के उपखंड (v) द्वारा प्रदत्त शक्ति यों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा श्री साई बाबा संस्थान, सिर्फी को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[मं. 8401/फा. सं. 197/4/89-आ. कर (नि.-I)]

दगोर तिर, विशेष कार्य अधिकारी

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 7th July, 1989

(INCOME-TAX)

S.O. 2694.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Shri Sai Baba Sansthan, Shirdi" for the purpose of the said sub-clause for the assessment year 1988-89.

[No. 8401/F. No. 197/4/89-ITA I]

DALIP SINGH, Officer on Special Duty

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 12 अक्टूबर, 1989

का. आ. 2695.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम 1970 की धारा 9 के साथ पठित धारा 3 की उपधारा (घ) के अनुसरण में केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा श्री निर्मल घोष, 2, ईश्वर चट्टर्जी रोड, पो. आ. सादगुर, जिला 25 परगां (नार्थ) पश्चिम बंगाल को 12 अक्टूबर 1989 से पारंभ होकर 11 अक्टूबर, 1992 को समाप्त होने वाली तीन वर्षों की अवधि के लिए बैंक आक महाराष्ट्र में निवेशक के रूप में नियंत्रित करती है।

[एफ. सं. 9/42/88-वी. ओ. I]

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 12th October, 1989

S.O. 2695.—In pursuance of sub clause (f) of clause 3 read with clause 9 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri Nirmal Ghosh, 2, Iswar Chatterjee Road, P.O. Sodpur, Distt. 24-Parganas (N), West Bengal as a Director of the Bank of Maharashtra for a period of three years commencing on the 12th day of October, 1989 and ending with the 11th day of October, 1992.

[F. No. 9/42/88-BO. I]

का. आ. 2696.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम 1970 की धारा 9 के साथ पठित धारा 3 उपधारा (च) के अनुसरण में केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा डा. धर्मेन्द्र भण्डारी 7-एन-17, जवाहरनगर, जग्पुर-302004 राजस्थान को 12 अक्टूबर 1989 से प्रारम्भ होकर 11 अक्टूबर, 1992 को समाप्त होने वाली तीन वर्षों की अवधि के लिए देना बैंक में निवेशक के रूप में नियुक्त करती है।

[एफ. सं. 9/38/88-वी. ओ. I]

S.O. 2696.—In pursuance of sub-clause (f) of clause 3 read with clause 9 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Dr. Dharmendra Bhandari, 7-N-17, Jawahar Nagar, Jaipur 302 004, Rajasthan as a Director of the Dena Bank for a period of three years commencing on the 12th day of October, 1989 and ending with the 11th day of October, 1992.

[F. No. 9/38/88-BO. I]

का. आ. 2697.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम 1980 की धारा 9 के साथ पठित धारा 3 की उपधारा (ड) के अनुसरण में केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा श्री प्रमोजी जी. सर्विधरन, मध्य कोइल फाउंडेशन, कोट्टायम, केरल को

किमानों के हितों का प्रतिनिधित्व करने के लिये 12 अक्टूबर 1989 से प्रारम्भ होकर 11 अक्टूबर, 1992 को समाप्त होने वाली तीन वर्षों की अवधि के लिये वित्त वेत्ता में निदेशक के रूप में नियुक्त करती है।

[एफ. सं. 9/31/88-वी. ओ.-I]

S.O. 2697.—In pursuance of sub-clause (e) of clause 3 read with clause 9 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri M. G. Sasidharan, Mathrukoit House, Karapuzha, Kottayam, Kerala as a Director of the Vijaya Bank for a period of three years commencing on the 12th day of October, 1989 and ending with the 11th day of October, 1992 to represent the interests of farmers.

[F. No. 9/31/88-BO. I]

का.आ. 2698:—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकार्ण उपबन्ध) स्कीम, 1989 की धारा 9 के साथ पठित धारा 3 की उपधारा (इ) के अनुसरण में केन्द्रीय सरकार भारतीय रिजर्व बैंक से परामर्श करने के पश्चात एतद्वारा श्री रत्न लाल दिवान, 77/40 वेली राड पटना-800023 (बिहार) को काश्तकारों के हितों का प्रतिनिधित्व करने के लिये 12 अक्टूबर 1989 से प्रारम्भ होकर 11 अक्टूबर, 1992 को समाप्त होने वाला तीन वर्षों की अवधि के लिये ओरियंटल बैंक आफ कामर्स में निदेशक के रूप में नियुक्त करती है।

[एफ. सं. 9/33/88-वी. ओ.-I]

S.O. 2698.—In pursuance of Sub-clause (e) of clause 3 read with Clause 9 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980 the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri Rattan Lal Dewan, 77/40, Bailey Road, Patna 800023, Bihar as a Director of the Oriental Bank of Commerce for a period of three years commencing on the 12th day of October, 1989 and ending with 11th day of October, 1992 to represent the interests of farmers.

[F. No. 9/33/88-BO. I]

का.आ. 2699:—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकार्ण उपबन्ध) स्कीम, 1980 की धारा 9 के साथ पठित धारा 3 की उपधारा (च) के अनुसरण में केन्द्रीय सरकार भारतीय रिजर्व बैंक से परामर्श करने के पश्चात एतद्वारा कानून भारतन्द्र सिंह, बी 8-17, वसन्त विहार, नई दिल्ली-110057 को 12 अक्टूबर, 1989 से प्रारम्भ होकर 11 अक्टूबर, 1992 को समाप्त होने वाली तीन वर्षों की अवधि के लिये कारपोरेशन बैंक में निदेशक के रूप में नियुक्त करती है।

[एफ. सं. 9/35/88-वी. ओ. 1]

S.O. 2699.—In pursuance of sub-clause (f) of clause 3 read with clause 9 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Col. Bharatendra Singh, B/8-17, Yasant Vihar, New Delhi 110057 as a Director of the Corporation Bank for a period of three years commencing on the 12th day of October, 1989 and ending with the 11th day of October, 1992.

[F. No. 9/35/88-BO. I]

का.आ. 2700.—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकार्ण उपबन्ध) स्कीम, 1970 की धारा 9 के साथ पठित धारा 3 के अनुसरण में केन्द्रीय सरकार भारतीय रिजर्व बैंक से परामर्श करने के पश्चात एतद्वारा 12 अक्टूबर 1989 से प्रारम्भ होकर 11 अक्टूबर 1992 को समाप्त होने वाली तीन वर्षों की अवधि के लिये निम्नलिखित व्यक्तियों को केनरा बैंक में निदेशक के रूप में नियुक्त करती है:—

1. श्री ओम प्रकाश शंकरानन्द उक्त बैंक के जमाकर्ताओं के हितों का प्रतिनिधित्व करने के लिये धारा 3 की उपधारा (घ) के उपचारा (घ) के अनुसरण में।
2. श्री मुजाहिन निह पठातिया काश्तकारों के हितों का प्रतिनिधित्व करने के लिए धारा 3 की उपधारा (इ) के अनुसरण में।
3. श्रीमती शशी दासदारी, धारा 3 की उपधारा (च) के अनुसरण में।

[एफ. सं. 9/29/88-वी. ओ.-I]

S.O. 2700.—In pursuance of Clause 3 read with Clause 9 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints the following persons as Directors of the Canara Bank for a period of three years commencing on the 12th day of October, 1989 and ending with the 11th day of October, 1992 :—

1. Shri Omprakash Representing the interests of Shankaranand Kanagali, depositors of the said Bank in pursuance of Sub-clause Off: Club Road, Belgaum, Karnataka.
2. Shri Sujan Singh Representing the interests of Pathania, farmers of the said Bank— Village Hara, in pursuance of sub-clause P.O. Fatehpur, (e) of Clause 3. Teh: Fatehpur, Distt. Kangra, Himachal Pradesh.
3. Smt. Sharayu Daftary, In pursuance of Sub-clause (f) 5A, Woodlands, of Clause 3. Dr. G. Deshmukh Marg, Bomdial 400026, Maharashtra.

[F. No. 9/29/88-BO. I]

का.आ.:—2701 राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकार्ण उपबन्ध) स्कीम 1970 की धारा 9 के साथ पठित धारा 3 के अनुसरण में केन्द्रीय सरकार भारतीय रिजर्व बैंक से परामर्श करने के पश्चात एतद्वारा 12 अक्टूबर 1989 से

प्रारम्भ होकर 11 अक्टूबर 1992 को समाप्त होने वाला तंत्र वर्ष का अवधि के लिए निम्नलिखित वक्तिगत का यूनियन बैंक आफ इंडिया में निदेशक के रूप में नियुक्त करता है। —

1. श्री श्रीपाल जिंही
बमोलक निधि,
ए 298, शास्त्री नगर,
जोधपुर-342003
राजस्थान
2. श्रीमती गल्लजाम्मा,
बोपानमुद्रा,
सी.ए. केरे हुबरी;
मद्दूर तालुक
जिल मंडूरा, कर्नाटक

[एक.सं. 9/40/88-बी.ओ.-I]

एम.ए.ज. सातारामन, अवर सचिव

S.O.2701.—In pursuance of clause 3 read with clause 9 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints the following persons as Directors of the Union Bank of India for a period of three years commencing on the 12th day of October, 1989 and ending with the 11th day of October, 1992 :—

1. Shri Shripal Singh
A-298, Shastri Nagar
Jodhpur 343003
Rajasthan
Representing the interests of farmers—in pursuance of sub-clause (e) of clause 3
2. Smt. Mallajamma
Boppasamudra
C.A. Kere Hobli
Maddur Taluk
Mandyad Distt.
Karnataka
Representing the interests of artisans—in pursuance of sub-clause (3) of clause 3.

[F. No. 9/40/88-BO. I]

M.S. SEETHARAMAN, Under Secy.

बाणिज्य मंत्रालय

(मुख्य नियंत्रक, आयात-निर्यात का कार्यालय)

आवेदण

नई दिल्ली, 6 अक्टूबर, 1989

का.आ. 2702:—मैंने नेशनल स्माल इंडस्ट्रीज कार्पोरेशन लिमिटेड, नई दिल्ली को बटिकत फाइन बोरिंग मशीन ए.बी. 550 ए के आयात के लिए मुक्त विदेशी मुद्रा के अंतर्गत 2,90,000 रुपये (दो लाख नव्वे हजार रुपये मात्र) के लिए एक आयात लाइसेंस सं. जी/टी/2449057 प्रदान किया गया था।

फर्म ने उपर्युक्त लाइसेंस की सीमाशुल्क मुद्रा विनियम नियंत्रण प्रयोजन प्रति की अनुग्राहित प्रति जारी करने के लिए इस आधार पर अरेस्ट फिरा है कि मूल सीमा शुल्क प्रयोजन /मुद्रा विनियम नियंत्रण प्रति खो अथवा

गुम हो गई है। जागे यह भी उल्लेख किया है कि लाइसेंस की सीमा शुल्क प्रयोजन/मुद्रा विनियम नियंत्रण प्रति की सीमाशुल्क प्राधिकारी के पास पंजोक्त नहीं थी इसलिए सीमाशुल्क प्रयोजन प्रति के मूल्य का बिलकुल भी उपयोग नहीं किया गया है।

2. अपने तर्क के समर्वत में लाइसेंसवारी ने नोटरी पब्लिक संघ शासित प्रदेश नई दिल्ली के समक्ष ग्राम्य लेकर एक शापथ पत्र दाखिल किया है। तदनुगार मैं संतुष्ट हूँ कि आयात लाइसेंस सं. जी/टी/2449057 दिनांक 22-11-88 की मूल सीमाशुल्क प्रयोजन प्रति/मुद्रा विनियम नियंत्रण प्रति कर्म से खो अथवा गुम हो गई है। 7-12-1955 के यथा संशोधित आयात (नियंत्रण) आदेश 1955 की उपधारा 9 (ग) द्वारा प्रदत्त वाक्तियों का प्रयोग करते हुए मैसर्स एन.एस.आई.सी. नई दिल्ली को जारी 22-11-88 के उक्त मूल सामा शुल्क प्रयोजन /मुद्रा विनियमन नियंत्रण प्रति सं. जी/टी/2449057 को एतद्वारा रद्द किया जाता है।

3. उक्त लाइसेंस की सीमा शुल्क प्रयोजन/मुद्रा विनियम नियंत्रण प्रति का अनुग्राहित प्रति पार्टी का अलग मे जारी की जा रहा है।

[सं. सी.जी.-2/एन.एस आई.सी. 8/88-89]

वी.आर. अहार, उप मुख्य नियंत्रक, आयात-निर्यात

MINISTRY OF COMMERCE

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 6th October, 1989

S.O. 2702.—M/s. National Small Industries Corporation Ltd., New Delhi were granted an import licence No. G/T/2449057 dated 22-11-88 for Rs. 2,90,000 (Rupees Two Lakhs Ninety Thousand only) for import of Vertical Fine Boring Machine AV 550A under Free Foreign Exchange.

The firm has applied for issue of Duplicate copy of the above mentioned licence on the ground that the original Customs Purposes/Exchange Control copy of the licence has been lost or misplaced. It has further been stated that the Customs Purposes/Exchange Control copy of the licence was not registered with any Customs Authority and as such the value of Customs Purpose copy has not been utilised at all.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public UT, New Delhi, I am accordingly satisfied that the original Customs Purposes/Exchange Control copy of import licence No. G/T/2449057 dated 22-11-88 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended the said original Customs purposes/Exchange Control copy No. G/T/2449057 dated 22-11-88 issued to M/s. NSIC, New Delhi is hereby cancelled.

3. A duplicate Customs Purposes/Exchange copy of the said licence is being issued to the party separately.

[No. CG-II/NSIC/8/89]

B. R. AHIR, Dy. Chief Controller of Imports and Exports

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 18 अक्टूबर, 1989

का.प्रा. 2703 :—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम 1962 के खण्ड 6 के उपबाण (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्यधन स्थल सं. एच.बी.जे.आर.आर., स्टेशन से जंकशन बोक्स तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अंजित किये गये हैं।

गैम अर्थाएँर्टी ऑफ इंडिया लि. ने उपयक्त नियम के खण्ड-7 के उपबाण (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 15/6/89 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची

आर.आर.स्टेशन में जंकशन बोक्स अनोड बैड और केबल्स कार्य समाप्ति

मंत्रालय का नाम	गांव	का.आ.सं.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस मंत्रालय	शेरपुरा त. : देवगढ़वारिया, जि. : पंचमहल	1290	3/6/89	15/6/89

[सं. ओ-14016/2/89-जी.पी.]

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 18th October, 1989

S.O. 2703:—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipelines (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the land specified in the schedule appended thereto for the transport of petroleum from d. s. H.B.J.—R. R. Station to Junction Box in Gujarat State,

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 15-6-89.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Anodebed & Cables

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Sherpura Tal. Devgarh Bariju Distt. Panchmahal	1290	3-6-89	15-6-89

[No. O-14016/2/89-GP]

का. आ. 2704 :—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहां संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में एक निर्दिष्ट भूमि में व्यधन स्थल में एच.वी.जे.आर.आर.स्टेशन से जंक्शन बोक्स तक पेट्रोलियम प्रतिहन के लिए भूमि उपयोग के अधिकार अर्जित विधे गये हैं।

गैस अथोरिटी ऑफ इन्डिया लि. ने उपर्युक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 15/6/89 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सधम अधिकारी एम्डुरा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची

आर.आर. स्टेशन में जंक्शन बोक्स तक अनोडबेड और केबल्स समाप्ति

मंत्रालय का नाम	गांव	का.आ.सं.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	कोसाम्बा ता. : मांगरोल जि. : सूरत	1289	3/6/89	15/6/89

[सं. ओ-14016/1/89-89-जी.पी.]

S.O. 2704:—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the and specified in the schedule appended thereto for the transport of petroleum from d.s. H. B. J.—R. R. Station to Junction Box in Gujarat State,

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 15-6-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDELE Termination of Anodebed & Cables

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Kosamba Taluka Mangrol Distt. Surat	1289	3-6-89	15-6-89

[No. O-14016/1/89-GP]

का. आ. 2705 :—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहां संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्यवहन स्थल सं. एच.बी.जे.आर.आर. स्टेशन से जंकशन बोक्स तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं।

ऐस ओथोरिटी ऑफ इन्डिया लि. ने उपयुक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 15/6/89 से समाप्त कर दिया गया है।

यतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के अन्तर्गत सभी अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

आर.आर. स्टेशन में जंकशन बोक्स तक ऑनोड ब्रेंड और केबलम कार्य समाप्ति

मंत्रालय का नाम	गांव	का.आ.सं.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	वोमार ता. : करजन जि. : बडोदरा	1624	3/6/89	15-6-89

[म. ओ-14016/3/89-जी.पी.]

S. O. 2705:—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Mines Pipeline (Acquisition of Right of user in land) Act 1962 the right of user has been acquired as specified in the schedule appended thereto for the transport of petroleum from d. s. H.B.J.—R.R. Station to Junction Box in Gujarat State,

And Whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 15-6-89.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, in 1983, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Anodebed & Junction Box.

Name of Ministry	Village	S. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Vomar Taluka Karjun Dist. Baroda	1624	3-6-89	15-6-89

[No. O-14016/3/89-GP]

का.आ. 2706 :—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहां संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्यवहन स्थल सं. एच.बी.जे.आर.आर. स्टेशन से जंकशन बोक्स तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं।

गैस ओथोरिटी ऑफ इंडिया लि. ने उपयक्त नियम के खण्ड-7 के उपब्रण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 15-6-89 से समाप्त कर दिया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम अधिकारी प्रतद्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुमती

आर.आर. स्टेशन में जंकशन बोक्स तक ओनाडे ब्रेड और केबल्स कार्य समाप्ति

मंत्रालय का नाम	गांव	का.आ.सं.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस मन्त्रालय	जड़-खेड़िया ता. : लीमखेड़ा जि. : पंचमहल	1292	3-6-89	15-6-89

[सं. ओ-14016/4/89- जी.पी.]

S. O. 2706:—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired as specified in the schedule appended thereto for the transport of petroleum from d. s. H.B.J.—R.R. Station to Junction Box in Gujarat State,

And Whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 15-6-89.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDE

Termination of Anodebed & Cables

Name of Ministry	Village	S. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Jad-Kheria Taluka-Limkhedy Distt. Panchmahal	1292	3-6-89	15-6-89

[No. O-14016/4/89-GP]

का. आ. 2707:—एतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहां संलग्न अनुमती में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम 1962 के खण्ड 6 के उपब्रण्ड (1) के अन्तर्गत प्रकाशित किया गया है गुजरात राज्य ने उक्त विनिर्दिष्ट भूमि में व्यधन स्थल नं. प.च.वी.जे.आर.आर. स्टेशन से जंकशन बोक्स पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अंतिम किये गये हैं।

गैस ओथोरिटी ऑफ इंडिया लि. ने उपयक्त नियम के खण्ड 7 के उपब्रण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 15-6-89 से समाप्त कर दिया गया है।

अतः, अब, पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम 1963 के नियम 4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची।

आर.आर. स्टेशन में जंक्शन बोक्स तक ओनोडे बोड और केबल्स कार्य समाप्ति

मंत्रालय का नाम	गांथ	का.आ.म.	भारत के राजपत्र में प्रकाशित की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस मंत्रालय	वघपुरा ता. : जगडीया जि. : भरुच	1295	3- 6-89	15-6-89

[सं. ओ-14016/7/89-जी० पी०]

S. O. 2707:—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline acquisition of Right of use in land) Act, 1962 the right of user has been acquired in the specified schedule appended thereto for the transport of petroleum from d.s. H.B.J.—R.R. Station to junction Box in Gujarat State.

And, whereas, the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 15-6-1989.

Now, therefore, under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination Anodebed & Cables.

Name of Ministry	Village	Sl. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Vaghpara Taluca Zaghdhiya Distt. Bharuch.	1295	3-6-89	15-6-89

[No. O-14016/7/89-GP]

का. आ. 2708:—यतः, भारत सरकार की अधिभूतवाद के द्वारा जैसा कि यहां मंत्रालय अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्यवन स्थल सं. ऐच.बी.जे.आर.आर. स्टेशन से जंक्शन बोक्स तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अंजित किये गये हैं।

गैस अर्थोन्टी ऑफ इन्डिया लि. ने उपयुक्त नियम के खण्ड 7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 15/6/89 से समाप्त कर दिया गया है।

अतः, अब, पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम 1963 के नियम-4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची

आर.आर. स्टेशन में जंक्षन बोक्स तक ओनाडे वैड और केवल कार्य समाप्ति

मंत्रालय का नाम	गाँव	का.आ.सं.	भारत के राजन्व में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	वाघोड़ीया ता. वाघोड़ीया जि. बडोदरा	1294	3-6-89	15-6-89

[सं. ओ.-14016/6/89-जी० पी०]

S. O. 2708:—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the specified schedule appended thereto for the transport of petroleum from d.s. H. B. J.—R. R. Station to Junction Box in Gujarat State.

And, whereas, the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 15-6-89.

Now, therefore, under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Anodabed & Cables.

Name of Ministry	Village	S. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Waghodia Tal. Waghodia Dist. Baroda.	1294	3-6-89	15-6-89

[No. O-14016/6/89-GP]

का. आ. 2709:—यतः, भारत सरकार की अधिसूचना के द्वारा जैसा कि यहां संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उद्धरण (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त वितरिष्ट भूमि में व्यधन स्पल सं. आर.आर. स्टेशन में जंक्षन बोक्स तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं।

गैस अथॉरिटी ऑफ इंडिया लि. ने उपर्युक्त नियम के खण्ड-7 के उपबंध (1) की धारा (1) में वितरिष्ट कार्य दिनांक 15-6-89 से समाप्त कर दिया गया है।

अतः, अब, पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सभी अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची

आर.आर. स्टेशन में जंकशन बोक्स तक अनोडे ब्रेड और केबल्स कार्य समाप्ति

मंत्रालय का नाम	गांव	का.आ.सं.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	सुलतानपुरा त. : हलोल जि. : पन्चमहल	1291	3-6-89	15-6-89

[म. ओ.-14016/5/89-गी.पी.]

S. O. 2709:—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act 1962 the right of user has been acquired in the specified schedule appended thereto for the transport of petroleum from d. s. H. B. J.—R.R. Station to Junction Box in Gujarat State,

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub section (i) of section 7 of the said Act on 15-6-89.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Anodebed & Cables.

Name of Ministry	Village	S. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Sultangura Tal. Halol Distt. Panch Mahal	1291	3-6-89	15-6-89

[No. O-14016/5/89-GP]

का.आ. 2710:—यत् भारत सरकार की अधिसूचना के द्वारा जैसा कि यहां मंस्त्रान अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनियिष्ट भूमि में व्यधन स्थल सं. मोरा से एन.टी.पी.सी. तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं।

गैस अपॉर्टमेंट ऑफ इंडिया लि. ने उपयुक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (1) में विनियिष्ट कार्य दिनांक 6-3-89 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम 1963 के नियम-4 के अन्तर्गत सकाम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची

मोरा में एन.टी.पी.सी. तक पाइप लाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का.आ.सं.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस मन्त्रालय	मोरा तहसील चोयोसी जिला - सूरत	1538	26-6-87	6-3-89

[सं. ओ.-14016/562/86-जी.पी.]

S. O. 2710.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d. s. Mora to N.T.P.C. in Gujarat State,

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 6-3-89.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDEULE

Termination of Pipeline from D.S. Mora to N.T.P.C.

Name of Ministry	Village	S. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Mora Taluka, Charyashi Dist.-Surat.	1538	20-6-87	6-3-89

[No. O-14016/562/86-GP]

का.आ. 2711 :—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपर्यात के अधिकार का अर्जन) अधिनियम 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्यधन स्थल सं. लीमला से एन.टी.पी.सी. तक पेट्रोलियम परिवहन के लिये भूमि उपयोग के लिए अधिकार अर्जित किये गये हैं।

गैस अर्थात् आँफ इंडिया लि ने उपयुक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (1) में विनिर्दिष्ट कार्य दिनांक 6-3-89 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सभी अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची

लीमला में एन टी गी सी तक पाइप लाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का.आ.मं.	भारत के राजपथ में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस मन्त्रालय	लीमला तहसील चोर्यासी ज़िला : सूरत	(1539)	20-6-87	6-3-89
			[सं. ३।-१४०१६/५६३/८६-जी०प०]	

S.O.2711.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act, 1962 the right of user has been acquired in the land specified in the schedule appended thereto for the transport of petroleum from d. s. Limla to N.T.C.P. in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 6-3-89.

Now, therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Pipeline from D. S. Limla to N.T.P.C.

Name of Ministry	Village	S. O. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Limla Taluka-Choryashi Dist.-Surat.	1539	20-6-87	6-3-89

[No. O-14016/563/86-GP]

का.आ. 2712.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिये एच.बी.जे. पाइप लाइन परियोजना के अंतर्गत एनोड बेड्स एंड केविल हट गैस अथारिटी आफ इंडिया लिमिटेड द्वारा विभाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिये इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अन: पेट्रोलियम और खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम 1962 (1962 का 50) के खंड 3 के उपखंड (1) द्वारा प्रदत्त जाकियाँ का प्रयोग करते हुए केन्द्र सरकार एनडब्ल्यूआर उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है:

बास्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन विभाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथारिटी आफ इंडिया लिमि, एच.

बी.जे. पाइप लाइन परियोजना उमरी हाउस, हाट रोड, गुना (म.प्र.) में दर्ज करा सकता है।

और ऐसी अपिनि दर्ज कराने समय किसी भी व्यक्ति को यह विणेष स्पष्ट से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

एच. बी. जे गैस पाइप लाइन प्रोजेक्ट

ग्राम—रसल्लखुर्द तेहमीन—ईमागढ़ जिला—गुना
अनुसूची

क्रमांक	खसरा नंबर	उपयोग अधिकार अर्जन का क्षेत्र (हेक्टर)
1	293	0.042
योग	01	0.042

[सं. ओ-14016/77/85-जी०पी०]

S.O. 2712.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas of HBJ Pipeline project for Anode Bed and Cable Route to be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of this laying it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. HBJ Project, Umri House, Haat Road, Guna, M.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

H.B.J. Gas Pipeline Project

Village-Rusallakhurd Tehsli-Isagad Distt-Guna

SCHEDULE

S.No.	Survey No.	Area to be acquired for ROU in Hectare
1	293	0.042
TOTAL	1	0.042

[No. O-14016/77/85-G.P.]

का. आ. 2713.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह अवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिये एच. बी. जे. पाइप लाइन परियोजना के अंतर्गत एनोड बेड्स एंड केविल स्ट गैस अथारिटी आफ इंडिया निमिटेड द्वारा विठाया जाना है।

और यह भी अनुभव करती है कि उम कार्य के लिये इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोग का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खंड 3 के उपखंड (1) द्वारा प्रदत्त व्यक्तियों का प्रयोग करते हुए केन्द्र सरकार एतत्तरा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है:

बास्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख में 21 दिन के भीतर भूमिगत पाइप लाइन बिलाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी, गैस अथारिटी आफ इंडिया लिं. एच.बी.जे. पाइप लाइन परियोजना, उमरी हाउस, हाट रोड, गुना (म.प्र.) में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराने समय किसी भी व्यक्ति को यह विणेष स्पष्ट से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसाय के माध्यम से अपना मत प्रस्तुत करना चाहता है।

एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

ग्राम—आमबेड़ा नईसराय तेहमीन-ईमागढ़ जिला-गुना
अनुसूची

क्रमांक	खसरा नंबर	उपयोग अधिकार अर्जन का क्षेत्र (हेक्टर)
1	315	0.047
योग	1	0.047

[सं. ओ-14016/139/85-जी०पी०]

S.O. 2713.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas of HBI Pipeline project for Anode Bed and Cable Route to be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of this laying it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the Section 3 of the Petroleum and

Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. HBJ Project, Umri House, Haat Road, Guna, M.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

का. आ. 2714.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उद्धारा (1) के अंतर्गत भारत सरकार के पेट्रोलियम एवं प्राचुरित गैस अधिसूचना का आगंत्य 514(ई)/30-6-89 द्वारा केन्द्रीय सरकार ने उन अधिसूचना से संबंध अनुमूली में विनिश्चित भूमियों में उपयोग के अधिकार को एनोड बेड एवं केलिन स्टर करने का आगा आग्रह घोषित कर दिया था।

और यतः मध्यम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उद्धारा (1) के अंतर्गत सरकार को रिपोर्ट दें दी है।

और आगे अतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् हम अधिसूचना से संबंध अनुमूली में विनिश्चित भूमियों में उपयोग का अधिकार अर्जित करने का विनिष्टय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उद्धारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करने हुए केन्द्रीय सरकार एवं द्वारा घोषित करता है कि इस अधिसूचना में संबंध अनुमूली में विनिश्चित भूमियों में उपयोग का अधिकार एनोड बेड एवं केलिन स्टर विचार के प्रयोजन के लिए एवं द्वारा अर्जित किया जाता है।

और आगे उम्म धारा की उद्धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार निवेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभा बाधाओं में स्वयं में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

पंच. वी.जे.गैस पाइप लाइन प्रोजेक्ट

अनुप्रद	तहसील	परगता	ग्राम	गाठा सं.	धेन्वंकम	विवरण
1	2	3	4	5	6	7
शाहजहांपुर	तिलहर	खेड़ा वझेढ़ा	अगरोली	1	0 1710	0-13-10
			11	0 0150	0-1-4	
			12	0 0550	0-4-7	
			3	0 2410	0-19-1	

[मं. ओ-14016/130/85-जी पी]

S.O. 2714.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 514(E) dated 30-6-89 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying Anode Bed and cable route;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And, further, whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the Anode Bed and cable route;

And, further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE

H.B.J. Gas Pipeline Project /Anode & Cable Rout

District	Tehsil	Pargana	Village	Plot No.	Area in acres	Remarks
1	2	3	4	5	6	7
Shahjhanpur	Tilhar	Khera-Bajhera	Agroli	10	0-1710	0-13-10
				11	0-0150	0-1-4
				12	0-0550	0-4-7
				3	0-2410	0-19-1

[No. O-14016/430/85-GP]

का० आ० 2715 :- यन पट्टोलियम और ख निज पाई लाईन (भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 उपवारा (i) के अधीन भारत सरकार के पैट्रोलियम एवं प्राकृतिक गैस अधिसूचना का०आ०सं० 508अ तारीख 30-6-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संतुलन अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार एनोड बैड एण्ड केबल स्ट के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यन भ्रम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपवारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यन केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संतुलन अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनियवा किया है।

अब अन. उक्त अधिनियम की धारा 6 की उपवारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संतुलन अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार एनोड बैड एण्ड केबल स्ट के प्रयोग के लिए एतद्वारा अर्जित किया जाता है।

और आगे उन धारा की उपवारा (4) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होते के बचाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं में मुक्त स्वयं में घोषणा के प्रकाशत की इस तारीख को निर्दित होगा।

अनुसूची

एच बी जे गैस पाइपलाइन प्रोजेक्ट एनोड एण्ड केबल स्ट

जनपद	तहसील	परगना	ग्राम	गाठा सं.	क्षेत्रफल हेक्टेकर में	क्षेत्रफल वीघे में
1	2	3	4	5	6	7
हरयाँ	गाढ़ाबाद	पानी	मुंडेर	619	0.0020	0-0-0-03
				620	0.0335	0-02-13
				621	0.0350	0-02-15
				622	0.0060	0-00-10
				626	0.1350	0-10-14
				627	0.0050	0-00-08
				629	0.0040	0-00-06
				631	0.0140	0-01-02
				632	0.0160	0-01-05
				9	0.2505	0-19-16

[सं. ओ-14016/276/85-जी. पी.]

S.O. 2715.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 508(E) dated 30-6-89 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying Anode Bed and route cable;

And, whereas, the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And, further, whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline Anode Bed and route cable;

And, further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE

H.B.J. Gas Pipe Line Project/Anode & Cable Route

District	Tahsil	Pargana	Village	Plot No.	Area in Hec.	Area in Bigha
1	2	3	4	5	6	7
Hardoi	Shahabad	Pali	Munder	619	0.0020	0-00-03
				620	0.0335	0-02-13
				621	0.0350	0-02-15
				622	0.0060	0-00-10
				626	0.1350	0-10-14
				627	0.0050	0-00-08
				629	0.0040	0-00-06
				631	0.0140	0-01-02
				632	0.0160	0-01-05
				9	0.2505	0-19-16

[No. O-14016/276/85-GP]

का. आ. 2716:—यत्. पेट्रोलियम और खनिज पाषण लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस अधिसूचना का.आ. सं. 511) तारीख 30-6-89 द्वारा केन्द्रीय सरकार ने उम अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार एनोड बेड एंड वेश्टल रूट के लिए अंजित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से मिलगन अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करने हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार एनोड बेड एंड केवल रूट के प्रयोजन के लिए एतद्वारा अंजित किया जाता है।

और आगे उम धारा की उपधारा (4) द्वारा प्रदत्त शक्ति का प्रयोग करने हुए केन्द्रीय सरकार निवेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण नि. में सभी वाधाओं से मुक्त रूप में व्योग्यता के प्रक्षेत्र की इस तारीख को निहित होगा।

अनुसूची

एच बी जे गैस पाइपलाइन प्रोजेक्ट प्रोटोकल बेड एंड केबल स्ट

जनपद	तहसील	परगना	ग्राम	गाठा मं.	क्षेत्रफल हेक्टर में	क्षेत्रफल बिहारी में	विवरण
1	2	3	4	5	6	7	8
बरेली	आवला	आवला	इस्लामाबाद	428 427 432 3	0.0150 0.0225 0.0900 0.1275	0-1-4 0-1-16 0-7-2 0-10-2	

[सं. ओ-14016/445/85-जी. पी.]

S.O. 2716.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 511(F) dated 30-6-89 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying Anode Bed and route cable;

And, whereas, the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And, further, whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the Anode Bed and route cable.

And, further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE

H.B.J. Gas Pipe Line Project, Anode Bed & Cable Route

District	Tahsil	Pargana	Village	Plot No.	Area in Hec.	Area in Bigha	Remarks
1	2	3	4	5	6	7	8
Bareilly	Aonla	Aonla	Islamabad	428 427 432 3	0.0150 0.0225 0.0900 0.1275	0-1-4 0-1-16 0-7-2 0-10-2	

[No. O-14016/445/85-GP]

का.आ. 2717. —यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस अधिसूचना का.आ.मं. 512 ई० तारीख/30-6-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचनाओं में गंलगत अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार एनोड बेड एंड केबल स्ट को विलाने के लिए अर्जित करने का अपना आश्रय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में मंत्रन अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार आजित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रवत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची विनियिष्ट उक्त भूमियों में उपयोग का अधिकार एनोड बेड एंड केबिल स्ट विछाने के प्रयोजन के लिए एतद्वारा अंजित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होते वजाय भारतीय गैस प्राधिकरण नि. में सभी बाधाओं से मुक्त रूप में धोखणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

1	2	3	4	5	6	7	8
उपाख	पुरवा	मौरावा	रसूलपुर	2.82	0.0319	0.2 10	

[No. - 14016/301/84-जी. पा.]

S.O. 2717.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 512(E) dated 30-6-89 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying Anode Bed and route cable;

And, whereas, the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government ;

And, further, whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the Anode Bed and route cable ;

And, further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE

H.B.J. Gas Pipeline Project/Anode and Cable Rout

District	Tehsil	Pargana	Village	Plot No.	Area in Hec.	Remarks
1	2	3	4	5	6	7
Unnao	Purwa	Maurawan	Rasulpur	282	0.0319	0-2-10

[No. O-14016/301/84-GP.]

का. आ. 2718.—यस: पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस अधिसूचना का. आ. म. 510(६) तारीख 30 जून, 89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनियिष्ट भूमियों के उपयोग के अधिकार एनोड बेड एंड केबिल स्ट के लिए अंजित करने का अपना आशय घोषित कर दिया था।

और यन् भव्यम प्रधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अंतर्गत सरकार की घोषाई देंदी है।

और आगे यह न केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनियिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रवत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनियिष्ट उक्त भूमियों में उपयोग का अधिकार एनोड बेड एंड केबिल स्ट विछाने के प्रयोजन के लिए एतद्वारा अंजित किया जाना है।

और आगे उस धारा की उपधारा (4) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में लप्योग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राप्तिकरण लि. में सभी ब्राधाओं से मुक्त रूप में ब्रोशण के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एच. बी. जे. गैस पाइप लाईन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाठा सं.	धेरफल	विवरण
1	2	3	4	5	6	7
उन्नाव	उन्नाव	हर्हा	लोहचा	13 14 19 22 23	0-1-12 0-4-15 0-0-1 0-2-18 0-10-18	
				5	0-10-4	

[सं. ओ-14016/235/84-जी. फी.]

S.O. 2718.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 510(E) dated 30-6-89 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying Anode Bed and cable route;

And, whereas, the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And, further, whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the Anode Bed and cable route;

And, further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE

H.B.J. Gas Pipeline Project/Anode and Cable Route

District	Tehsil	Pargana	Village	Plot No.	Area in acres	Remarks
1	2	3	4	5	6	7
Unnao	Unnao	Harha	Lohcha	13 14 19 22 23	0-1-12 0-4-15 0-0-1 0-2-18 0-0-18	
				5	0-10-4	

[No. O-14016/235/84-GP]

का. आ. 2719.—यह: पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 उपधारा (1) के अंतर्भूत भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस अधिसूचना का. आ. मं. तारीख 1575 दि. 8-7-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना के संलग्न अनुसूची में विनियिष्ट भूमियों के उपयोग के अधिकार एनोड बेड एण्ड केबिल रुट को बिलाने के लिए अंजित करने का अपना आशय घोषित करदिया था।

और यह: सक्रम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अंतर्भूत सरकार को रिपोर्ट देदी है।

और आगे यह: केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनियिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनियश्वय किया है।

अब अत उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेद देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण नि., में सभी बाधाओं में सुकृत रूप में धोखणा के प्रकाशन की इस तारीख को नहित होगा।

अनुसूची

एच. बी. जे. गैम पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाठा सं.	धेनवफल	विवरण बीवा
1	2	3	4	5	6	7
रायबरेली	महाराजगंज	बछरावा	थुलैण्डी	1629	0-0015	0-0-02
				1677	0-0115	0-0-18
				1676	0-0180	0-1-08
				1675	0-0200	0-1-12
				1670	0-0270	0-2-03
				1672	0-0040	0-0-07
				1658	0-0050	0-0-08
				1659	0-0080	0-0-12
				1656	0-0060	0-0-09
				1654	0-0040	0-0-07
				1657	0-00-25	0-0-04
				11	0-1075	0-8-10

(सं. ओ-14016/164/84-जी.पी.)

S.O. 2719.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 1575 dated 8-7-89 under sub-section (1) of section 6 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying Anode Bed and Cable Route;

And, whereas, the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And, further, whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the Anode Bed and Cable Route;

And, further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE

H.B.J. Gas Pipeline Project

District	Tehsil	Pargana	Village	Plot No.	Area in Hectares	Remarks Bigha
1	2	3	4	5	6	7
Raibareli	Maharajganj	Bachrwan	Thuland	1629	0.0015	0-0-02
				1677	0.0115	0-0-18
				1676	0.0180	0-1-08
				1675	0.0200	0-1-12
				1670	0.0270	0-2-03
				1672	0.0040	0-0-07
				1658	0-0050	0-0-08
				1659	0.0080	0-0-12
				1656	0.0060	0-0-09
				1654	0.0040	0-0-07
				1657	0.0025	0-0-04
				11	0.1075	0-8-10

[No. O-14016/164/84-GP]

का. आ. 2720.—यतः पेट्रोलियम और ग्यासिंग पाइप लाइन (भूमि में उपयोग के अधिकार का अंजन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस अधिसूचना का. आ. सं. तारीख 1020 वि. 6/5/89 द्वारा केन्द्रीय सरकार ने इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार एनोड बेडस एण्ड कैबिल रूट को विलाने के लिए अंजित करने का अपना आशय घोषित कर दिया था।

और यत सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट देवी है।

और आगे यत केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एनोड द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार एनोड बेडस एण्ड कैबिल रूट के प्रयोजन के लिए एतदद्वारा अंजित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय भारतीय गैस प्राधिकरण वि. में सभी बाधाओं से मुक्त रूप में धोपणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाँठा सं.	क्षेत्रफल	विवरण
1	2	3	4	5	6	7
फलखाबाद	छिवरामऊ	छिवरामऊ	भालपुर	1	0-08	
				2	0-11	
				3	0-02	
				4	0-01	
			प्रयोग		0-22	

[सं. ओ-14016/488/84-जी. पी.]

S.O. 2720.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 1020 dated 6-5-89 under sub-section (1) of section of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying Anode Bed and Cable Route;

And, whereas, the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And, further, whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the Anode Bed and Cable Route;

And, further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE H.B.J. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remark
1	2	3	4	5	6	7
Farrukhabad	Chhibramau	Chhibramau	Lalpur	1	0-08	
				2	0-11	
				3	0-02	
				4	0-01	
			Total	4	0-22	

[No. O-14016/488/84-G.P.]

का.आ. 2721 :—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) (अधिनियम 1962) (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस अधिसूचना का, आ.सं. नारीख 1576 दिनांक 8-7-89 द्वारा केन्द्रीय सरकार ने उम अधिसूचना के संबंध अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार एनोड बेड पाइप केविल फट को विलाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सभ्य प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संबंध अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनियवय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त ग्रन्ति का प्रयोग करने हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संबंध अनुसूची विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार एनोड बेड पाइप केविल फट के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है:

और आगे उम धारा की उपधारा 4 द्वारा प्रदत्त ग्रन्तियों का प्रयोग करने हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बायाय भारतीय गैस प्राप्तिकरण नि., में सभी वाधाओं से मुक्त रूप में धोखणा के प्रकार की उम नारीख को निहित होगा।

अनुसूची
गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	गांव	गाठा सं.	क्षेत्रफल	विवरण
1	2	3	4	5	6	7
झांसी	झांसी	झांसी	रक्मा	520	0-01	
				556	0-22	
				558	0-20	
				517	0-12	
				518	0-02	
			योग	5	0.57	

[सं. ओ.-14016/66/84-जी.पी.]

S.O. 2721.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 1576 dated 8-7-89 under sub-section (1) of section of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying Anode Bed and Cable Route;

And, whereas, the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And, further, whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the Anode Bed and Cable Route;

And, further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE H.B.J. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remark
1	2	3	4	5	6	7
Jhansi	Jhansi	Jhansi	Raksa	520	0-01	
				556	0-22	
				558	0-20	
				517	0-12	
				518	0-02	
			Total	5	0-57	

[No. O-14016/66/84-G.P.]

का.आ. 2722 :—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) (अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन सारत के पेट्रोलियम एवं प्राकृतिक गैस अधिसूचना का.आ.स. 1577 दिनांक 8-7-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना के मंत्रालय अनुसूची में विनिश्चित भूमियों के उपयोग के अधिकार एनोड बैड एण्ड केबिल को विभाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सभ्य प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विवार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिश्चित भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए, केन्द्रीय सरकार एवं द्वारा घोषित करती है कि उस अधिसूचना में संलग्न अनुसूची विनिश्चित उक्त भूमियों में उपयोग का अधिकार एनोड बैड एण्ड केबिल हूट के प्रयोजन के लिए एनद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बाह्य भारतीय गैस प्राप्तिकरण लि. में सभी बाधाओं से मृत रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जनपद	तहसील	परगना	ग्राम	गाँठा सं.	क्षेत्रफल	विवरण
1	2	3	4	4	6	7
झाँसी	मोठ	मोठ	खड़ीश	153	0-26	
			योग	1	0-26	

[मं. ओ -14016/05/84-जी.पी.]

S.O. 2722.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 1577 dated 8-7-89 under sub-section (1) of section of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying Anode Bed and Cable Route;

And, whereas, the Competent Authority has under sub-section(1) of Section 6 of the said Act, submitted report to the Government;

And, further, whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the Anode Bed and Cable Route;

And, further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE H.B.J. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remark
1	2	3	4	5	6	7
Jhansi	Moth	Moth	Kharuwa	153	0-26	
			Total	1	0-26	

[No. O-14016/05/84-G.P.]

का.आ. 2723.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन (-) (अधिनियम 1962) (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार पेट्रोलियम के एवं प्राकृतिक गैस अधिसूचना का.आ.सं. 1568 दि. 8-7-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सशम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में वोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एच.बी.जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाठा सं.	क्षेत्रफल	विवरण
1	2	3	*	5	6	7
झांसी	मोठ	मोठ	करई	654	0-03	

[सं.ओ.-14016/485/84-जी.पी.]

S.O. 2723.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 1568 dated 8-7-89 under sub-section (1) of section of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And, whereas, the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And, further, whereas the Central Government has, after considering the said report, decided to acquire the right

of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And, further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE

H.B.J. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remark
1	2	3	4	5	6	7
Jhansi	Moth	Moth	Karai	654	0-03	[No. O-14016/485/84-G.P.]

का.आ. 2724 :—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अंजेन) (अधिनियम 1962) (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस अधिसूचना का.आ.सं. 1569 दि. 8-7-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों की बिछाने के लिए अंजित करने का अपना आशय घोषित कर दिया था।

और यतः सक्रम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से मंलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है।

अब अनः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करने सुन् केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अंजित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एच.बी.जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाडा सं.	क्षेत्रफल	विवरण
1	2	3	4	5	6	7
झांसी	मोठ	मोठ	बिरांव खुर्द	255 341	0.07- 0-05	
					0-12	
						[सं.ओ.-14016/03/84-जी.पी.]

S.O. 2724.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 1569 dated 8-7-89 under sub-section (1) of section of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And, whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And, further, whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And, further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE H.B.J Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot No.	Area in	Remark
1	2	3	4	5	6	7
Jhansi	Moth	Moth	Chirgaon Khurd	255 341	0-07 0-05	
					0-12	

[No. O-14016/03/84-G.P.]

का.प्रा. 2725 :—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) (अधिनियम 1962) (1962 का 50) की धारा 3 का उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस अधिसूचना का.प्रा.म. तारीख 1570 दि. 8-7-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सभी प्राधिकारी ने उक्त अधिनियम की धारा 6 को उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब यतः उक्त अधिनियम की धारा 6 को उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करने हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा को उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण नि. में सभी वाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची
एच.बी.जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाठा स.	क्षेत्रफल	विवरण
1	2	3	4	5	6	7
झासी	मोठ	मोठ	बेलमा	449 797	0-02 0-08	
					0-10	

[सं.ओ.-14016/03/84-जी. पी.]

S.O. 2725.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 1570 dated 8-7-89 under sub-section (1) of section of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And, further, whereas the Central Government has, after section (1) of Section 6 of the said Act, submitted report to the Government;

And, further whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And, further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE H.B.J. GAS PIPE LINE PROJECT

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remark
1	2	3	4	5	6	7
Jhansi	Moth	Moth	Belma	449 797	0-02 0-08	
					0-10	

[No. O-14016/03/84-G.P.]

का० आ० 2726:-यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) (अधिनियम 1962) (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस अधिसूचना का. अ. स. 1571 दि. 8-7-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाए भारतीय गैस प्राधिकरण लि० में सभी वाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाठा सं.	क्षेत्रफल	विवरण
1	2	3	4	5	6	7
झाँसी	मोठ	मोठ	ऐरा	334 348 316	0-10 0-05 0-05	
					0-20	

[सं.ओ.-14016/03/84-जी.पी.]

S.O. 2726.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 1571 dated 8-7-89 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And, whereas, the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And, further, whereas the Central Government has, after considering the said report decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And, further, in exercise of power conferred by sub-section (4) of the section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDELE H.B.J. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remark
1	2	3	4	5	6	7
Jhansi	Moth	Moth	Aira	334	0-10	
				348	0-05	
				316	0-05	
					0-20	

[No. O-14016/03/84-G..P.]

का.आ. 2727.—यतः पेट्रोलियम और खंडित पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अंतर्गत सरकार के पेट्रोलियम एवं प्राकृतिक गैस अधिसूचना का.आ.म. 1572 तारीख 8/7/89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को विछाने के लिए अंजित करने का अपना आशय घोषित कर दिया था।

और यतः सरकार प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अंतर्गत सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनियन्दय किया है।

अब यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विछाने के लिए एतद्वारा अंजित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राविकरण लि. में सभी बाधाओं से मुक्त हूप में व्योपण के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एच.बी.जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाठा सं.	क्षेत्रफल	विवरण
1	2	3	4	5	6	7
झाँसी	मोठ	मोठ	लड़ावरा	624	0	02

[सं. ओ-14016/03/84-जो.पी.]

S.O. 2727.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 1572 dated 8-7-89 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And, whereas, the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And, further, whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And, further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE

H.B.J. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remark
1	2	3	4	5	6	7
Jhansi	Moth	Moth	Ladnara	624	0 02	

[No. O-14016/03/84-G.P.]

का.आ. 2728.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस अधिसूचना का.आ.सं. 1573 तारीख 8/7/89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनियोजित भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः मध्यम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इन अधिसूचना से संलग्न अनुसूची में विनियोजित भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनियोजित उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विद्युत के प्रयोगन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होंगे के बजाय भारतीय गैस प्राधिकारण नि. में सभी वाधाओं से मुक्त रूप में वोयल के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एच.बी.जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाडा सं.	धेत्रफल	विवरण
1	2	3	4	5	6	7
झाँसी	मोठ	मोठ	पुलगहना	103 185	0 0	15 17

0-32

[संख्या ओ-14016/03/84-जी.पी.]

S.O. 2728.—Whereby by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 1573 dated 8-7-89 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And, whereas, the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And, further, whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (I) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And, further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE H.B.J. GAS PIPE LINE PROJECT

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remark
1	2	3	4	5	6	7
Jhansi	Moth	Moth	Pulgahana	103 185	0-15 0-17	
					0-32	
						[No. O-14016/03/84-G.P.]

का.आ. 2729.—यत्. पेट्रोलियम और घनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस अधिसूचना का.आ.म. 1574 तारीख 8/7/89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को विछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार ने निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एच.बी.जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	नहरील	परगना	ग्राम	गटा सं.	क्षेत्रफल	विवरण
1	2	3	4	5	6	7
झासी	मोठ	मोठ	विरगुआं	479	0	13

S.O. 2729.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 1574 dated 8-7-89 under sub-section (1) of section of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1952 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And, whereas, the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And, further, whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And, further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

(SCHEDULE)

H.B.J. GAS PIPE LINE PROJECT

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remark
1	2	3	4	5	6	7
Jhansi	Moth	Moth	Birgunwa	479	0-13	[No. O-14016/309/84-G.P.]

का.आ. 2730.—यत्. पेट्रोलियम और नैचुरल गैस पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) (अधिनियम 1962) (1962 का 50) की धारा 3 की उपधारा (1) के अंतर्गत भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस अधिसूचना का.आ. सं 1567 तारीख 8/7/89 द्वारा केन्द्रीय सरकार ने उप अधिसूचना से संतु न अनुमति में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अंजित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अंतर्गत सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करते के पश्चात् इस अधिसूचना से पंतरन अनुमति में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संतु न अनुमति में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अंजित किया जाता है।

और आगे उस धारा की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्दश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण नि. मे सभी वाधाओं से मुक्त रूप में व्योग्यता के प्रकाशन की इस तारीख को निहित होगा।

अनुमति

एच.बी.जे. गस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाडा सं.	क्षेत्रफल	विवरण
1	2	3	4	5	6	7
झासी	मोठ	मोठ	पुलिया	164	0	28

[सं. ओ-14016/538/84-जी०पी०]

S.O. 2730.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 1567 dated 8-7-89 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And, whereas, the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And, further, whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And, further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE H.B.J. GAS PIPE LINE PROJECT

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remark
1	2	3	4	5	6	7
Jhansi	Moth	Moth	Puliya	164	0-28	

[No. O-14016/538/84-G.P.]

का.आ. 2731.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस अधिसूचना सं., का.आ. 1566 तारीख 8-7-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संबंधित अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संबंधित अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करने हुए केन्द्रीय सरकार एवं द्वारा अधिकार अर्जित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एवं द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण नि. में सभी वाधाओं से मुक्त हैं में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एच.बी.जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाडा सं.	थेवफल	विवरण
1	2	3	4	5	6	7
झाँसी	मोठ	मोठ	खड़ीवा	118	0	07
				189	0	20
					0	27

S.O. 2731.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 1566 dated 8-7-89 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And, whereas, the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And, further, whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And, further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

(SCHEDULE)
H.B.J. GAS PIPE LINE PROJECT

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remark
1	2	3	4	5	6	7
Jhansi	Moth	Moth	Khadnow	189 189	0-07 0-20	
					0-27	

[No. O-14016/05/84-G.P.]

का. आ. म. 2732.—प्रतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम (1962) (1962 का 50) की धारा 3 की उपधारा (1) के अवीन सरकार के पेट्रोलियम एवं प्राकृतिक गैस अधिसूचना सं. का. आ. 1578 दिनांक 8-7-80 द्वारा केन्द्रीय सरकार ने उस अधिसूचना की संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार, एनोड बेड्स एंड केविल रुट के विल रुट को विलाने के लिए अंजित करने का अपना आशय घोषित कर दिया था।

और यह: सरकार प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यह: केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एनोड बेड्स एंड केविल रुट के प्रयोजन के लिए एतद्द्वारा अंजित किया जाता है।

और अतः उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्वेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि., में सभी बाधाओं से मुक्त हृष्य में घोषणा के प्रकाशन को इस तारीख की निहित होगा।

अनुसूची

एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाठा नं.	क्षेत्रफल	विवरण
1	2	3	4	5	6	7
जालौन	जालौन	जालौन	गोराभूपका	957 958	0-21 0-09	
			योग :	2	0-30	

[स. अ-14016/137/85-जो. पो.]

S.O. 2732.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 1578 dated 8-7-89 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying Anode Bed and Cable Route;

And, whereas, the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And, further, whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the Anode Bed and Cable Route;

And, further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE H.B.J. GAS PIPE LINE PROJECT

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remark
1	2	3	4	5	6	7
Jalaun	Jalaun	Jalaun	Gora Bhoopka	957	0-21	
				958	0-09	
			Total		2	0-30

[No. O-14016/137/85-G.P.]

का. आ. 2733.—यतः पेट्रोलियम और खानेज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम (1962) (1962 का 50) की धारा 3 उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस अधिसूचना सं. का. आ. सं. 1581 दिनांक 8-7-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना को संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार एनोड बेहस एंड केविल रूट की विभाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यातः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एनोड बेहस एंड केविल रूट के प्रयोजन के लिए एतद्वारा अर्जित किया जाना है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी दाधाराओं से मुक्त हो। में धोपणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाडा सं.	क्षेत्रफल	एविवि	विवरण
1	2	3	4	5	6	7	
कानपुर देहात	डेरापुर	डेरापुर	चिलोली	704	0-2-0		
				710	0-2-0		
				711	0-4-0		
				712	0-3-0		
				714	0-1-8		
				715	0-2-0		
				717	0-2-8		
			योग	7	0-16-16		

[सं. ऑ-14016/491/85-जी. पी.)]

S.O. 2733.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 1581 dated 8-7-89 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying Anode Bed and Cable Route;

And, whereas, the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And, further, whereas, the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the Anode Bed and Cable Route;

And, further, in exercise of power conferred by sub-section (4) of the Section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

(SCHEDULE)

H.B.J GAS PIPE LINE PROJECT

District	Tahsil	Pargana	Village	Plot No.	Area in	Remark
1	2	3	4	5	6	7
Kanpur Dehat	Derapur	Derapur	Chilauli	704 710 711 712 714 715 717	0-2-0 0-2-0 0-4-0 3-0-0 0-1-8 0-2-0 0-2-8	
			Total	7	0-16-16	

[No. O-14016/491/85-G.P.]

का. आ 2734.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (50) की धारा 3 उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस अधिसूचना सं. का. आ. 1579 विनांक 8-7-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना की संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग अधिकार एनोड बेड़स एंड केविल रुट को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सभप्राधिकारों ने उक्त अधिनियम की धारा 6 को उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार एनोड बेड़स एंड केविल रुट के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निर्दित होने के बजाय भारतीय गैस प्राधिकरण लि., में सभी भाग्याओं में मुक्त स्वयं में घोषणा के प्रकाशन को इस तारीख को निहित होगा।

अनुसूची

एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाठा सं.	क्षेत्रफल	विवरण
1	2	3	4	5	6	7
जालौन	कोंच	कोंच	खैरी	18	0 23	
			योग		0 23	

[सं.ओ.-14016/304/84-जी पी.]
राकेश कक्कर, उप मन्त्री

S.O. 2734.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 1579 dated 8-7-89 under sub-section (I) of section of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying Anode Bed and Cable Route;

And, whereas, the Competent Authority has under Sub-section (I) of Section 6 of the said Act, submitted report to the Government;

And, further, whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (I) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the Anode Bed and Cable Route;

And, further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE H.B.J. GAS PIPE LINE PROJECT

1	2	3	4	5	6	7
alaun	Konch	Konch	Khairi	18	0-23	
			Total	1	0-23	

[No. O-14016/304/84-G.P.]
RAKESH KACKAR DY. SECY.

अर्जी मंत्रालय
(कोयला विभाग)
नई बिल्ली, 25 जिनाम्बर, 1989
का. आ. 2735.—कोयला धारक दोत्र (प्रधिगृहण और शिकास) अधिनियम 1957 (1957 का 20) की धारा 7 की उपधारा (1) के अधीन जारी तथा भारत के राजपत्र माग-II, छंड-3, उपखंड (ii) पृष्ठ संख्या 587 से 589 में का. आ. 472 दिनांक 16 फरवरी, 1989 द्वारा प्रकाशित मार्ग सरकार, अर्जी मंत्रालय (कोयला विभाग) की अधिष्ठृतना द्वारा केन्द्रीय सरकार ने इस अधिष्ठृतना में संलग्न अनुसूची में वर्णित भूमि की अधिग्रहीत करने की घारणा की भूवना दिया है।
और केन्द्रीय सरकार के ध्याम में यह पाया कि राजपत्र की उपरोक्त अधिष्ठृतना के प्रकाशन में मुद्रण की कुछ गलतियाँ हैं।

प्रतः अब उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रबन्ध तथा इस हेतु प्रवर्त अथवा अधिकारों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा उक्त अधिष्ठृतना की संलग्न अनुसूची में निम्नलिखित संशोधन करती है।

पृष्ठ क्रमांक 587 पर—अधिष्ठृतना में
पंक्ति—१ “अधिनियम” के स्थान पर “अधिनियम” पढ़ें।
पंक्ति—४ “अभिप्राप्य” के स्थान पर “अभिप्राप्य” पढ़ें।
स्पष्टीकरण में पंक्ति ६ में “संबंध में आपत्तियों” के स्थान पर “संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों” पढ़ें।

पंक्ति ४ में—“वह विधिकृत” के स्थान पर वह “व्यक्ति” पढ़ें।
पंक्ति ४ में—“एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में अधिकार” के स्थान पर “के अधिकार” पढ़ें।

अनुसूची में, तालिका में—

क्रम संख्या—२ “बकही” के स्थान पर “बकही” पढ़ें।

ग्राम बकही में अर्जित किए जाने वाले प्लाट संख्याएँ (माग) में—

पंक्ति—५८३६, “८३६ (माग)” के स्थान पर “८३५,८३६” (माग) पढ़ें।

कोई व्यक्ति यदि किसी भूमि जिसके संबंध में उक्त संशोधन जारी किया जा रहा है, के संबंध में इच्छुक हो है तो इस अधिष्ठृतना के जारी करने के 30 दिन के भीतर उक्त भूमि का पुरा या कुछ भाग अधिग्रहित करने या उस प्रकार की भूमि का कोई भी अधिकार प्राप्त करने हेतु आव्वेदन उक्त अधिनियम के धारा-८ की उपधारा (1) की शर्तों के अनुसार प्रस्तुत कर सकता है।

[पा. सं. 43015/29/85-सी ए.एल एस इल्ल.]

MINISTRY OF ENERGY

(Department of Coal)

New Delhi, the 25th September, 1989

S.O. 2735.—Whereas, by the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O. 472, dated the 16th February, 1989 published in the Gazette of India, Part-II, Section 3, Sub-section (ii), at pages 588 to 589 issued under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to acquire the lands described in the Schedule appended to that notification;

And whereas, it has been brought to the notice of the Central Government that certain errors of printing nature have occurred in the publication of the said notification in the Gazette;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act and of all other powers enabling it in this behalf, the Central Government hereby amends the Schedule appended to the said notification as follows :

(i) At page 589 :—

- (i) for village "Bahko (part)", in first line below the Table, read village "Bakho (part)" ;
- (ii) in plot numbers to be acquired in village Bakho (part), in the 1st line, for "456 to 558", read "456 to 458" ;
- (iii) in plot number to be acquired in village Bakhi (part), in the 3rd line, for "1309 to 13201 322 (P)", read "1309 to 1370, 1322 (P3)".

(2) In Boundary Description :—

- (i) in line C-D (1st line), for "mud", read "mid";
- (ii) in line E.F (2nd line), for "707", read "797".

Any persons interested in any land in respect of which the above amendment has been issued, may, within thirty days of the issue of this notification, object to the acquisition of the whole or any part of the said land, or any right in any of such land in terms of sub-section (1) of section 8 of the said Act.

[F. No. 43015/29/85-CA|LSW]

का. आ. 2736.—केन्द्रीय सरकार को यह प्रतीत होना है कि इससे उपाबंद अवगृच्छा में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है;

अतः अब केन्द्रीय सरकार कोयला धारक थेट्र (प्रज्ञन और विकास) प्राधिनियम, (1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रवत्तशक्तियों का प्रयोग करते हुए उस क्षेत्र में कोयला का पूर्ववेत्तण करते के अपने आशय की सूचना देती है।

इस अधिसूचना के अधीन आने वाली भूमि में हितवद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों चार्टों और अन्य दस्तावेजों को राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से नव्वे दिन के भीतर राजस्व अधिकारी, वैस्टन कोलीफ़ोल्डस निमिटेड कोयला एस्टेट सिविल लाइन्स, नागपुर 440001 को भेजें।

ग्रन्तिकारी
राजी कोल विस्तार धारा
कान्हा थेट्र
जिला छिद्रवाड़ा (मध्य प्रदेश)

रेखांक संख्या सी—1 (ई) III जी आर/431—0789 तारीख 10-4-1989 (पूर्ववेत्तण के लिए अधिसूचित भूमि

क्रम संख्या ग्राम का नाम	पटवारी संकेत सं.	कम्पार्टमेंट संख्या	नक्शील जिला	थेट्र हैट्टयर में	टिप्पणियां
1 राजीकोल	8	—	जूनारदेव छिद्रवाड़ा	16.155	भाग
	—	पी—403	जूनारदेव छिद्रवाड़ा	3.678	भाग
		पी—404	जूनारदेव छिद्रवाड़ा	20.608	भाग
कुल थेट्र		40.431 हैट्टयर (लगभग)			
			99.93 एकड़ (लगभग)		

मध्य रेखा ग्राम राजीकोल, थेट्र कम्पार्टमेंट सं. पी. 403 के बिन्दु "क" से प्रारम्भ होता है और वह कम्पार्टमेंट सं. पी. 403 और पी 404 से होकर जाती है और बिन्दु "ब" पर मिलती है।

मध्य रेखा, राजी कोल और दमुमाखा ग्रामों की सम्मिलित ग्राम सीमा के साथ साथ जाती है और बिन्दु "ग" पर मिलती है।

मध्य रेखा, कम्पार्टमेंट सं. पी. 404 से होकर जाती है और बिन्दु "ब" पर मिलती है।

धन्दा रेखा, कम्पार्टमेंट सं. वी 404 और वी 403 से होकर और फिर ग्राम राखीकोल की राजस्थ भूमि से होकर जाती है और बिल्ड "ब" पर मिलती है।

धन्दा रेखा, ग्राम राखीकोल की राजस्थ भूमि महोकर और फिर घन कम्पार्टमेंट सं. वी 103 से होकर जाती है और आरभिक बिल्ड "क" पर मिलती है।

[मं. 43015/7/89-एल एस डब्ल्यू]

S.O. 2736:—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No. C-1(E)III/GR/431-0789, dated the 10th April, 1989, of the area covered by this notification can be inspected at the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra) or at the Office of the Collector, Chhindwara (Madhya Pradesh) or at the Office of the Coal Controller, 1 Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Revenue Officer, Western Coalfields Limited, Coal Estate, Civil Lines, Nagpur-440001 within ninety days from the date of publication of this notification in the Official Gazette.

**THE SCHEDULE
RAKHIKOL EXTENSION BLOCK
KANHAN AREA**

DISTRICT CHHINDWARA (MADHYA PRADESH)

Plan No. C-1(E)III/GR/431-0789, dated the 10th April, 1989

(Showing lands notified for prospecting)

Sl. No	Name of village	Patwari circle number	Compart-ment number	Tahsil	District	Area in hectares	Remarks
1. Rakhikol	8	—	E-403	Junnardeo	Chhindwara	16.155	Part
			E-404	Junnardec	Chhindwara	3.678	Part
				Junnardeo	Chhindwara	20.608	Part
Total area :						40.441 hectares (approximately) or 99.93 acres (approximately)	

Boundary description :

- A-B: Line starts from point 'A' in the village Rakhikol, Forest Compartment No. P-403 and passes through Forest Compartment No. P-403 and P-404 and meets at point 'B' on the village boundary of Rakhikol.
- B-C: Line passes along the common village boundary of villages Rakhikol and Damua and meets at point 'C'.
- C-D: Line passes through Compartment No. P-404 and meets at point 'D'.
- D-E: Line passes through Compartment No. P-404 and meets at point 'E'.
- E-F: Line passes through Compartment No. P-404 and E-403 and through Revenue land of Village Rakhikol and meets at point 'F'.
- F-A: Line passes through the Revenue land of village Rakhikol and through Forest Compartment No. P-403 and meets at starting point 'A'.

[No. 43015/7/89—LSW]

नई विल्ली 29 फ़ितम्बर, 1989

का. धा. 2737.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपर्युक्त भूमि में उल्लिखित भूमि गे कोपला अभियान शांति की योजना है।

अतः केन्द्रीय सरकार कोपला धारक देव (प्रर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उधारा (1) हारा प्रदत्त अधिकारी का प्रयोग करते हुए उसमें कोपले का पूर्वक्षण करते के अपने आशय की सच्चाना होती है।

इस प्रधिमूलता के अधीन आपि बोजे भेजके रेखांक सं. सी-1 (f) III जे. जे. आर./437-0689, तारीख 19 जून, 1989 का निरीक्षण वेस्टर्न कोलफील्ड्स लि. (राजस्व विभाग), कोयला एस्टेट, सिविल लाइस, नागपुर 440001 (महाराष्ट्र), कार्यालय में या कलकटा, यवतमाल महाराष्ट्र के कार्यालय में या कीयला नियंत्रक, काउंसिल हाउस स्ट्रीट, कलकत्ता में किया जा सकता है।

इस प्रधिमूलता के अधीन आपि बोजे भूमि में हितवद्ध सभी अक्षित, उक्त अधिनियम की धारा 13 की उपशारा (7) 'निरिष्ट सभी नक्शे चार्ट और अन्य दस्तावेज़ इस प्रधिमूलता के प्रकाशन की तारीख से नक्शे दिन के भीतर राजस्व प्रधिकारी, वैल्डन कोलफील्ड्स लि., कोयला एस्टेट, सिविल लाइस, नागपुर-440001 को दे देंगे :

अनुभूति

घोसा ज्ञाक

बानी भेज जिला यवतमाल (महाराष्ट्र)

रेखांक सं. सी 1 (f) III जे. जे. आर. 1437-0689

तारीख 19 जून 1989

क्रम संख्या	ग्राम का नाम	ग्राम सं.	तहसील	जिला	भौमि हेक्टर में	टिप्पणिया
1	2	3	4	5	6	7
1. परसोडा	.	191	बानी	यवतमाल	205.28	संपूर्ण
2. गोडाव	.	85	"	"	301.26	"
3. इजादन	.	20	"	"	363.10	"
4. लूप्हारखानी		42	"	"	371.58	"
5. सखारा	.	370	"	"	1271.04	"
6. गोदाला	.	86	"	"	366.29	"
7. डहेगांव	.	149	"	"	476.04	"
8. घोसा	.	98	"	"	548.83	"
9. फुलोर		230	"	"	492.45	
10. रासा	.	319	"	"	1708.46	"
11. बोडी	.	246	"	"	1577.84	"
12. केसलापुर	.	52	मारेगांव	"	137.30	"
13. दारा	.	147	"	"	414.08	"
14. बोपापुर	.	245	"	"	169.13	"
15. लोनी	.	327	"	"	251.44	"
16. नरसोडा	.	169	"	"	176.72	"
17. किलोना	.	39	"	"	282.61	"
18. आसान	.	10	"	"	299.15	"
19. उमरवाट	.	25	"	"	314.50	"
20. जगलोन	.	116	"	"	115.21	"
21. सर्डी	.	381	"	"	372.49	"

कुल भेज :

10213.80 हेक्टर (लगभग) या

28238.30 एकड़ (लगभग)

सीमा वर्णन :

क—अ रेखा ग्राम संख्या गोडाल डहेगांव, किलोमा आसान, जगलोन, उमरवाट की बाह्य सीमा के साथ साथ बिन्दु "क" से प्रारंभ होती है और "ख" पर मिलती है।

ख—ग रेखा, ग्राम उमरवाट, बोडी, रासा की बाह्य सीमा के बाथ-माध्य गुजरती है और बिन्दु "ग" पर मिलती है।

ग—घ रेखा, ग्राम रासा, गोडाव, परसोडा केसलापुर, दारा की बाह्य सीमा के साथ-साथ चलती हुई बिन्दु "घ" पर मिलती है।

घ—क रेखा, दारा, बोपापुर, मुर्डी, गडारा, ग्रामों की बाह्य सीमा के साथ-साथ चलकर आरम्भक बिन्दु "क" से मिलती है।

[फांसं 43015//12/89-एस डब्ल्यू]

New Delhi, the 29th September, 1989

S.O. 2737:—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in 'Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No. C-1(E)/III/JJR/437-0689 dated the 19th June, 1989 of the area covered by this notification can be inspected at the Office of the Western Coalfields Limited (Revenue Department), Civil Estate, Civil Lines, Nagpur-440001 (Maharashtra) or at the Office of the Collector, Yavatmal (Maharashtra) or at the Office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by the notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Revenue Officer, Western Coalfields Limited, Coal Estate, Civil Lines, Nagpur-400 001 within ninety days from the date of publication of this notification.

THE SCHEDULE

GHONSA BLOCK

WANI AREA

DISTRICT YAVATMAL (MAHARASHTRA)

Plan No. C-1(E)/III/JJR/437-0689, dated the 19th June, 1989

Sl. No.	Name of the village	Village number	Taluk	District	Area in hectares	Remarks
1. Parsoda		191	Wani	Yavatmal	205.28	Full
2. Godgaon		85	Wani	Yavatmal	301.26	Full
3. Izaasan		20	Wani	Yavatmal	363.10	Full
4. Kumbharkhani		42	Wani	Yavatmal	371.58	Full
5. Sakhara		370	Wani	Yavatmal	1271.04	Full
6. Godhalu		86	Wani	Yavatmal	366.29	Full
7. Dihgaon		149	Wani	Yavatmal	475.04	Full
8. Ghonsa		98	Wani	Yavatmal	548.83	Full
9. Fulor		230	Wani	Yavatmal	492.45	Full
10. Rasa		319	Wani	Yavatmal	1708.46	Full
11. Borda		246	Wari	Yavatmal	1577.84	Full
12. Keslapur		52	Maregaon	Yavatmal	137.30	Full
13. Dara		147	Maregaon	Yavatmal	414.08	Full
14. Bopapur		245	Maregaon	Yavatmal	169.13	Full
15. Loni		327	Maregaon	Yavatmal	251.44	Full
16. Narsoda		169	Maregaon	Yavatmal	176.72	Full
17. Kilona		39	Maregaon	Yavatmal	282.61	Full
18. Asan		10	Maregaon	Yavatmal	299.15	Full
19. Umarghat		25	Maregaon	Yavatmal	314.50	Full
20. Jaglon		116	Maregaon	Yavatmal	115.21	Full
21. Surda		381	Maregaon	Yavatmal	372.49	Full
Total area:						10213.80 hectares (approximately) or 25238.30 acres (approximately)

Boundary description:

- A-B Line starts from point 'A' along the outer boundary of villages Sakhara, Godhalu, Dahengron, Kilona, Achn, Jiglen, Umarghat and meets at point 'B'.
- B-C Line passes along the outer boundary of villages Umarghat, Borda, Rasa and meets at point 'C'.
- C-D Line passes along the outer boundary of villages Rasa, Godgaon, Parsoda, Keslapur, Dara and meets at point 'D'.
- D-A Line passes along the outer boundary of villages Dara, Bopapur, Surda, Sakhara and meets at starting point 'A'.

[No. 43015/12/89-LSW]

नई दिल्ली, ८ अक्टूबर, 1989

कांगड़ा, 2738:- केन्द्रीय सरकार के, कोयला धारक थेन्ड (अर्जन और विकास) प्रधिनियम, 1957 (1957 का 20) की धारा 7 की उपधारा (1) के अधीन भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 1 नवम्बर, 1986 में प्रकाशित भारत सरकार के उत्तरी महाद्वारा (कोयला विभाग) की अधिसूचना सं. का० आ० 3747, तारीख 16 अक्टूबर, 1986 द्वारा उस अधिसूचना में संबंध अनुमूली में विनियिष्ट परिसीम की मूलि का अर्जन करने के अपने आशय की सूचना दी थी;

और भारत प्राधिकारी में उक्त प्रधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को घटनी रिपोर्ट देती है;

और केन्द्रीय सरकार का, पृष्ठोंत प्रिपोर्ट पर विचार करने के पश्चात् और विहार सरकार में परामर्श करने के पश्चात् यह समाधान हो गया है कि इसमें संबंध अनुमूली में वर्णित 107.00 एकड़ (लगभग) या 43.30 हैक्टर (लगभग) माप वाली मूलि प्रजित की जानी चाहिए।

अतः, केन्द्रीय सरकार, उक्त प्रधिनियम की धारा 9 की उपधारा (1) द्वारा प्रवत्त अक्षियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त अनुमूली में वर्णित 107.00 00 एकड़ (लगभग) या 43.30 हैक्टर (लगभग) माप वाली मूलि प्रजित की जानी है।

2850 GI/89-6,

इस प्रधिनुचना के अधीन आने वाले थोक के रेखांक का निरोधण, उपर्युक्त, हजारीबाग (बिहार) के कार्यालय के या, कोयला विभाग नियंत्रक, 1, कोडमिस हाउस स्ट्रीट, कलकत्ता के कार्यालय या सेन्ट्रल कोलफील्डस लि. (राजस्व मनुभाग) बरमंगाहाउम रोडी (बिहार) के कार्यालय में किया जा सकता है।

मनुसूची

भाष्ट ज्ञाक--उग ज्ञाक II
परिवहनी बोकारो कोयला थोक
जिला हजारी बाग . बिहार

रेखाचित्र सं. राजस्व/18/87 तारीख 17-3-1987

(जिसमें अंजित की जाने वाली भूमि दर्शित की गई है)

सभी प्रधिकार

क्रम सं.	ग्राम	थाना	पाना सं	जिला	भेत्र	टिप्पण्यादि
1	2	3	4	5	6	7
1. कुज	भाष्ट	154		हजारी बाग	40.00	भाग
2. पोखरिया	भाष्ट	121		हजारी बाग	67.00	भाग
			कुल थोक :	एकड़ (लगभग)		
			था	43.30	हैन्डर (लगभग)	

कुज ग्राम में अंजित किए जाने वाले प्लाट सं.

50 (भाग), 53(भाग), 54 से 73, 74(भाग), 75(भाग), 76 (भाग), 77 (भाग), 78(भाग), 79(भाग), 93(भाग), 94, 95(भाग), 96(भाग), 97 (भाग), 107(भाग), 122 (भाग), 123(भाग), 125 से 145, 146(भाग), 147, 148, 149, 150, 151'(भाग), 152(भाग), 153 (भाग), 154, 155 (भाग), 136 (भाग), 158 (भाग), 159(भाग), 160(भाग), 163(भाग), 164 (भाग), 165 (भाग), 166, 167 (भाग), 174(भाग), 175(भाग), 176(भाग), 177(भाग), 178 (भाग), 179, 180, 181(भाग), 182 (भाग), 183 मे 187 और 18 (भाग), 207 (भाग), और 256 (भाग), ।

पोखरिया ग्राम में अंजित किए जाने वाले प्लाट सं. 1 से 9, 10 (भाग), 11, 12(भाग), 18(भाग), 32 (भाग), 33, 34, 35(भाग), 36 से 40, 41, (भाग), 42 (भाग), 43(भाग) और 46 (भाग).

सीमा बर्णन

इ-१ रेखा कुज ग्राम में प्लाट सं. 164 (नंदी) ५०,३५०,७९,७८,७७,७६,७५,७४,९३,४७,९६,९५,१०७,१२३,१५१,१२२,१५२,१५३,१५२,१६५ और 207 से होकर जाती है (जो कुज कोयला जानके साथ सम्बलित सीमा बनाती है) और बिंदू “ठ” पर मिलती है।

इ-२-३ रेखा कुज ग्राम में प्लाट सं. 207, २५६, २०७, १६५, १५६, १५५, १५७, १५८, ५०, १६०, ५०, १४६, ५०, १६३, ५०, १६५, १८८, १८२, १८१, १७८, १७७, १७६, १७५, १७४, और 167 से होकर जाती है और फिर पोखरिया ग्राम में प्लाट सं. 46, 10, 18, 12, 18, 12, 32, 41, 42, 35, और 45 से होकर जाती है (जो भूत्या कोलियरी के साथ भाग: सम्बलित सीमा बनाती है) और बिंदू “त” पर मिलती है।

इ-४ रेखा नदी की मध्य रेखा के साथ साथ जाती है (जो प्रारंभ और पोखरिया ग्रामों की भागत: सम्बलित सीमा बनाती है) और बिंदू “य” पर मिलती है।

इ-५ रेखा नदी की मध्य रेखा के साथ साथ जाती है (जो पोखरिया और बोंगहारा ग्रामों की सम्बलित सीमा बनाती है) और बिंदू “इ” पर मिलती है।

इ-६ रेखा नदी की भागत: मध्य रेखा के साथ साथ जाती है (जो कुज और हेमागर, ग्रामों की और हेमागर कोलियरी सीमा के भाग के साथ साथ सम्बलित सीमा बनाती है) और आरम्भिक बिंदू “ड” पर मिलती है।

[सं. 43015 /8/85-सी. ए./एन. एम. इन्ड्या]

मी. श्री. राव, अवृत्त सचिव

New Delhi, the 6th October, 1989

S.O.2738 —Whereas by the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O.3747, dated the 16th October, 1986, under sub-section(1) of section 7 of the Coal Bearing Areas (Acquisition & Development) Act, 1957(20 of 1957), published in the Gazette of India, Part-II, section 3, sub-section (ii), dated the 1st November, 1986, the Central Govt. gave notice of its intention to acquire the lands in the locality specified in the Schedule appended to that notification;

And whereas the Competent Authority, in pursuance of section 8 of the said Act, has made his report to the Central Government;

And whereas the Central Government, after considering the report aforesaid, and after consulting the Government of Bihar, is satisfied that the land measuring 107.00 acres (approximately) or 43.30 hectares (approximately), described in the Schedule appended hereto, should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the lands measuring 107.00 acres (approximately) or 43.30 hectares (approximately), described in the said schedule, are hereby acquired.

The plan of the area covered by this notification may be inspected in the Office of the Deputy Commissioner, Hazaribagh (Bihar), or in the Office of the Coal Controller, 1, Council House Street, Calcutta or in the Office of the Central Coalfield's Ltd., (Revenue Section) Darbhanga House, Ranchi (Bihar).

SCHEDULE

**MANDU BLOCK-SUB-BLOCK II
WEST BOKARO COALFIELD
DISTT. HAZARIBAGH
BIHAR**

Drg. No. Rev/18/87

dated 17-3-1987

(Showing land to be acquired)

All Rights

Sl. No.	Village	Thana	Thana number	District	Area	Remarks
1. Kuju	Mandu	154	Hazaribagh		40.00	Part
2. Pokharia	Mandu	121	Hazaribagh		67.00	Part
Total area: 107.00 acres (approximately) or 43.30 hectares (approximately)						

Plot numbers acquired in village Kuju

50(part), 53(part), 54 to 73, 74(part), 75 (part), 76 (part), 77 (part), 78 (part), 79 (part), 93 (part), 94, 95 (part), 96 (part), 97 (part), 107 (part), 122 (part), 123 (part), 125 to 145, 146 (part), 147, 148, 149, 150, 151 (part), 152 (part), 153 (part), 154, 155 (part), 156 (part), 157 (part), 158 (part), 160 (part), 163 (part), 164 (part), 165 (part), 166, 167 (part), 174 (part), 175 (part), 176 (part), 177 (part), 178 (part), 179, 180, 181 (part), 182 (part), 183 to 187 and 188 (part), 207 (part), and 256 (part).

Plot numbers acquired in village Pokharia:

1 to 9, 10 (part), 11, 12 (part), 18 (part), 32 (part), 33, 34, 35 (part), 36 to 40, 41 (part), 42 (part), 45 (part), and 46 (part).
Boundary description:-

- M-N Line passes through Plot numbers 164 (River), 50, 53, 50, 79, 78, 77, 76, 75, 74, 93, 47, 96, 95, 107, 123, 151, 122, 152, 153, 152, 165, and 207 in village Kuju (which forms common boundary with Kuju Colliery) and meets at point 'N'.
- n-o-p lines pass through plot numbers 207, 256, 207, 165, 156, 155, 157, 158, 50, 160, 50, 146, 50, 13, 50, 165, 188, 182, 181, 178, 177, 176, 175, 174, and 167 in village Kuju then through plot numbers 46, 10, 18, 12, 18, 12, 32, 41, 42, 35, and 45 in village Pokharia (which forms part common boundary with Murpa Colliery) and meets at point 'P'.
- P-Q line passes along the central line of Nala (which forms part common boundary of villages Aje & Pekheri) and meets at point 'Q'.
- Q-R line passed along the central line of the river (which forms common boundary of villages Pekharia & Borghat) and meets at point 'R'.
- R-M line passes along the part central line of the river (which forms part common boundary of villages Kuju and Hesagara and also along part Hesagara Colliery boundary) and meets at starting point 'M'.

[No. 43015/8/85-CA/LSW]
B.B. RAO, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

तई दिल्ली 22 सितम्बर, 1989

का. आ. 2739.—केन्द्रीय सरकार, होम्योपैथी केन्द्रीय परिषद् अधिनियम, 1973 (1973 का 50) की धारा 13 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय होम्योपैथी परिषद् से परामर्श करने के पश्चात् उक्त अधिनियम की दूसरी अनुसूची में मिम्मिलिक्षित संशोधन करती है, अर्थात् :

उक्त अनुसूची में, उसमानिया विश्वविद्यालय से संबंधित भद्र 3ग में स्तंभ 2, 3 और 4 में विद्यमान प्रविष्टियों के पश्चात् निम्नलिखित प्रविष्टियां अंतःस्थापित की जाएँगी, प्रयात् :—

सन्दर्भप्राप्त
आयुर्विज्ञान अर्हता

रजिस्ट्रीकरण के लिए संक्षेपाभार

टिप्पणिया

2

3

4

होम्योपैथिक औषधि और
शल्यचिकित्सा में स्नातक

एम. बी. एम. (एच)
मैडिकल डिग्री

1983 से

[सं० बी० 27021/12/84-होम्य०]
(एस० बी० गोयन, निदेशक (आई० एस० प्र०)

MINISTRY OF HEALTH & FAMILY WELFARE

New Delhi, 22nd September, 1989

S.O. 2739.—In exercise of the powers conferred by sub-section (2) of Section 13 of Homoeopathy Central Council Act, 1973 (59 of 1973), the Central Government after consulting the Central Council of Homoeopathy, hereby makes the following amendments in the Second Schedule of the said Act, namely—

In the said Schedule, in item 3C relating to Osmania University in columns 2, 3 and 4, after the existing entries, the following entries shall be inserted, namely:—

“Recognised medical qualification	Abbreviation for registration	Remarks
2	3	4
Bachelor of Homoeopathic Medicine and Surgery	MBS (H) Graded Degree	From 1983 onwards” [No. V. 27021/12/84-Homco] S.B. GOEL, Director (ISM)

धर्म भवालय

नई दिल्ली, 29 सितम्बर, 1989

का.आ. 2740.—आयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बम्बई पोर्ट ट्रस्ट बम्बई के प्रबंधतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औयोगिक विवाद में केन्द्रीय सरकार औयोगिक अधिकरण सं. 2 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-9-89 को प्राप्त हुआ था।

MINISTRY OF LABOUR

New Delhi, the 29th September, 1989

S.O. 2740.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Bombay, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bombay Port Trust, Bombay and their workmen, which was received by the Central Government on 28-9-1989

ANNEXURE BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri P. D. Apshankar, Presiding Officer.
Reference No. CGIT-2/50 of 1986

PARTIES :

Employers in relation to the management of Bombay Port Trust
AND
Their Workmen.

APPEARANCES :

For the Employer—Shri S. R. Masurekar, Dy. Chief Law Officer and Advocate (P).
For the Workmen—1 Shri H. M. Davda, 2. Shri T. S. Tijoriwala Advocates.

INDUSTRY : Posts and Docks STATE : Maharashtra
Bombay, dated the 31st August, 1989

AWARD

The Central Government by their Order No. L-31012/4/85-D.IV (A) dated 10-12-1986 have referred the following industrial dispute to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act :—

“Whether the action of the management of Bombay Port Trust in relation to its Chief Mechanical Engineer’s

Department in reverting back S/Shri A. B. Rane and A.D. Chawande, Asst. Technicians, working in container Department to the post of Driver Mechanic w.e.f. 16-2-1984 and 22-11-1983 respectively, is justified ? If not, to what relief are the workmen concerned entitled ?'

2. The workmen involved in the present reference are two, namely, Shri Aahut Bhaskar Rane and Shri Ashok Dwarakanath Chawande. Both these workmen have filed their separate claims statements respectively at Ex. 2/W and 9/W. The case of the workman Shri A. B. Rane as disclosed from the claim statement (Ex. 2) in short is thus :—

He was working as a Motor Mechanic in the Mobile Crane Section of the B.P.T. since March 1979. In November 1982 the B.P.T. had issued a circular for the recruitment of Assistant Technicians in the Container Equipment Section of the Chief Mechanical Engineers Department. The workman Shri Rane had applied for that post of Assistant Technician. Pursuant to that application, he gave the necessary written test and also appeared for the oral test. He was found to be a successful candidate, and as such, he was appointed as an Assistant Technician from 7-2-1983 by letter dated 12-9-1983. He was placed on probation for a period of one year from 7-2-1983. The workmen carried out his work honestly, efficiently and diligently. He put in service of more than 240 days as an Assistant Technician. However, by letter dated 21-1-1984, received by the workman on 16-2-1984, he was informed that his services in the container equipment Section were no longer required, and he was reverted to his parent Section i.e. the Mobile Crane Section. He accepted that letter under protest. In fact the B.P.T. had retrenched the workman from the Container Equipment Section, though the word used was reversion. The workman was astonished and shocked to receive the said letter. No reason was mentioned in the said letter of reversion. No enquiry was held nor any hearing was given to the said workman.

(ii) Thereafter the workmen approached the aforesaid Association, and the Association requested the management to reinstate him in service in the post of Assistant Technician. However, the management did not pay any heed to it, and thereafter an industrial dispute was raised by the said Association before the Assistant Labour Commissioner (C), Bombay. However, conciliation proceedings ended in failure. While the workman was previously working as a Motor Mechanic, he was confirmed in that post w.e.f. 19-3-1981. According to the Union, the said letter retrenching reverting the workman to his previous post is bad in law for the following reasons :—

His appointment to the post of Assistant Technician was in a clear vacancy. The letter reverting the workman to the previous post is in violation of the principles of natural justice. Further clauses 3 and 6 of the letter of appointment dated 12-9-1983 are bad in law, illegal and unlawful. The order is issued to victimise the workman because the Additional Chief Mechanical Engineer bears a grudge against the workman and also against the other workman Shri A.D. Chawande for being members of the said Association. The workman also lost his seniority in the cadre of Assistant Technicians, as also in the cadre of Driver Mechanic due to the said order of reversion. The additional Chief Mechanical Engineer has no authority or power to retrench the present workman. It was necessary to obtain the sanction from the Chairman of the Port Trust or, a Superior authority before retrenching the services of the workman. However, in the present case this has not been done. The Chief Mechanical Engineer is not the competent authority nor does he directly know about the quality and quantity of the work carried out by the workman, to pass said order. Out of several applicants, only seven applicants were appointed to that post. Out of them five workmen have been confirmed on that post, and only the two workmen in question were reverted. This is a discrimination action on the part of the B.P.T. Therefore, the Union prayed that the work-

man be put back as a confirmed Assistant Technician of the Container Equipment Section with all the emoluments from the date of wrongful retrenchment along with proper seniority.

3. The Secretary, Bombay Port Trust by his written statement Ex. 16/M opposed the claim of the workman, and in substance contended thus :—

The workman Shri A. B. Rane had appeared only for the oral examination, and he was not given any written test. It is not true that he was honest, diligent and efficient. He was a habitual late comer. The said workman was reverted to his parent section, and not retrenched, as alleged by the Union. He was reverted as he was found not efficient and diligent. He was reverted to his parent post during his period of probation as he was not found suitable for operating sophisticated container handling equipment as per the terms and conditions of appointment letters, which also provided that no reason will be mentioned for reversion. As he was reverted, he being not found suitable, there was no question of holding any enquiry in the matter. It is not true that clauses 3 and 6 of the appointment letter dated 12-9-1983 are bad in law. It is also not true that the Additional Mechanical Engineer had any grudge against the said workman or against the other workman. The Additional Mechanical Engineer only carried out the order of the competent authority i.e. the Chief Mechanical Engineer, who had passed order on the basis of the report submitted to him by his subordinate officers in the matter of reversion of the said workman. The B.P.T. lastly contended that its action in reverting the workmen was just and proper, and prayed for the rejection of the claim of the Union.

4. The other workman Shri Ashok Dwarakanath Chawande filed his statement of claim at Ex. 9/W. His case is the same as of his colleague Shri Rane, except as regards certain dates. Shri Chawande was working as a Motor Mechanic since May 1982. He and Shri Rane were appointed as Assistant Technicians from 7-2-1983 by letter dated 12-9-1983. Shri Chawande was reverted to his former post by letter dated 22-11-1983. The rest of the case of Shri Chawande is the same, as above.

5. The Secretary of the Bombay Port Trust by his written statement (Ex. 17/M) opposed the claim of the workman Shri Chawande. The contentions of the B.P.T. are the same as above as against the other workman Shri Chawande.

6. The Issues framed at Ex. 20 are :—

- (1) Whether the Additional Chief Mechanical Engineer was competent to issue the order dated 21-1-1984 regarding the reversion of the workman Shri A. B. Rane ?
- (2) Whether the said order is bad in law and is illegal on the ground that it was issued without any notice, without notice pay, and without hearing the other side ?
- (3) Whether the said order dated 21-1-1984 regarding the reversion/retrenchment of the said workman in fact and in law amounted to only his retrenchment, and not reversion ?
- (4) Whether the Additional Chief Mechanical Engineer was competent to issue the order dated 22-11-1983 regarding the reversion/retrenchment of the workman Shri A. D. Chawande ?
- (5) Whether the said order dated 22-11-1983 is bad in law and is illegal on the ground that it was issued without any notice, without notice-pay, and without hearing the other side ?
- (6) Whether the said order dated 22-11-83 in fact and in law amounted to only retrenchment, not reversion ?
- (7) Whether the action of the management of Bombay Port Trust in relation to its Chief Mechanical Engineer's Department in reverting back/retrenching

Technicians working in Container Department to the post of Driver Mechanic w.e.f. 16-2-84 and 22-11-1983 respectively is justified ?

(8) If not, to what relief are the workman concerned entitled ?

(9) What Award ?

7. My findings on the above issues are :--

(1) Yes

(2) No

(3) Amounted to only his reversion and not retrenchment.

(4) Yes

(5) No

(6) Amounted to only his reversion and not retrenchment.

(7) Yes, in reverting.

(8) Does not survive.

(9) As per order.

REASONS

ISSUES 1 and 4

8. The workmen Shri Chawande and Rane filed their affidavits in support of their contentions at Ex. 18/W and 19/W, and filed their further affidavits at Ex. 21/W and 22/W in support of their contentions. The Jr. Executive Engineer (M) Shri Rajendra Singh filed his affidavit at Ex. 23/M refuting the contentions of the said two workmen, and affirming the contentions of the management. None of these witnesses was cross-examined on behalf of the other side. The appointment orders of the workmen Shri Rane and Chawande are respective at Ex. 3/W and 10/W. The orders of reversion of these two workmen are at Exs. 6/W and 13/W. These orders of reversion have been signed by the Additional Chief Mechanical Engineer. According to the Union, the Additional Chief Mechanical Engineer is not competent to pass such orders. I find that the letters of their appointment order have also been signed by the Additional Chief Mechanical Engineer. As such the Additional Chief Mechanical Engineer can issue the orders of reversion of the said workmen. Further, as can be seen from the orders of reversion, at the top we find the wordings "From The Chief Mechanical Engineer, Bombay Port Trust, Bombay-400010". Thus it can certainly be said that the Additional Chief Mechanical Engineer has conveyed the order of the Chief Mechanical Engineer by reverting back the said two workmen to their former post. Therefore, Issues Nos. 1 and 4 are found in the affirmative.

ISSUES NOS. 2, 3, 5 and 6

9. According to the Union, the orders of reversion of the said two workmen are bad in law and illegal on the ground that they were issued without any notice, without notice pay and without hearing the other side and that the said order in fact and in law amounted to retrenchment of those two workmen, and not their reversion. However, I find that the said orders of reversion are quite proper and not illegal in any way and that, by the said two orders the workmen in question have been reverted, and not retrenched from services as can be seen from the following discussion. Under Section 2(oo) of the Industrial Disputes Act, retrenchment means the termination by the employer of the service of a workman. Now in the present case, the services of none of these workmen have been terminated by the management. They firstly were holding the posts of Driver Motor Mechanic, and thereafter they were appointed as Assistant Technicians on probation. After their reversion, they are still holding their previous post of Driver (Motor) Mechanic, and as such, they are still in service and their services have not been terminated. Therefore, this is not a case of retrenchment, but is of reversion to the former post. Exhibits 30 and 36 are respectively copies of the applications by the workmen Shri Rane and Shri Chawande for the posts of Assistant Technician, dated 20-11-1982 and they were holding the posts of Motor Mechanic in B.P.T. (Mobile Crane Section). It is seen from these applications that they forwarded their applications through proper channel, and as such, they were departmental candidates, and not the direct recruits. Ex. 31 is a copy of the report of the Service Selection Committee—Selection to the post of Asstt. Technicians in Container Equipment Section. It will be seen from this report that a circular dated

10-11-1982 was issued by the Department calling for the applications for 12 posts of Asstt. Technicians from the departmental candidates. It is further seen that 17 applications were received, out of which 15 candidates were called for interview, and out of which seven candidates including Shri Rane and Chawande were selected for the posts of Assistant Technicians. It is thus quite clear from the report of the Service Selection Committee that the workmen Shri Rane and Shri Chawande were Departmental Candidates, who were promoted from the posts of Driver (Motor) Mechanic to the posts of Asstt. Technicians and they were not direct recruits.

10. My attention was drawn on behalf of the Union to a number of cases. However, all these cases relate to retrenchment of employer. In the present case, the two workmen in question have not been retrenched i.e. their services were not terminated but they were only reverted to the previous posts and they still continue to be in service. As such, those cases do not apply to the facts of the present case. Another case relied upon by the Union is the case reported in 1988, 4 SCC page 168 (Hussain Sasan V. State of Maharashtra). It was held in that case that a direct recruit cannot be reverted, but a promotee can be reverted to the post from which he was promoted. In the present case, the two employees were reverted to their former posts. Therefore, the said case in fact supports the action of the management. In the case reported in AIR 1986 SC Page 1571 (Central Inland Water Transport Corporation Ltd. Vs. Brojonata), it was held that the termination of service of a permanent employee without giving any reason, or by giving notice, is bad in law, and is void under Section 23 of the Contract Act. However, in the present case the services of the two employees have not been terminated. Therefore, this case also does not apply to the facts of the present case.

11. A copy of the appointment order of the workman Shri Rane is at Ex. 3/W. It is seen from this order that the workman Shri Rane has been selected for the post of Assistant Technician with effect from 7-2-1983. This order further states that he will be on probation for a period of one year from the date of joining the Container Equipment Section and further subject to usual condition of keeping his lien on the post of Driver Mechanic for one year. The appointment was of purely a temporary nature and he was to be transferred to his original post at any time during the probationary period, without notice and without assigning any reason. It was further stated that his continuance or confirmation in the post after the probationary period would depend upon a satisfactory report about his work and conduct. Such were the terms and conditions of his appointment as a Assistant Technician. Similar is the wording of the appointment order of other workman Shri Chawande. It is thus quite clear from these appointment orders that both these workman were appointed on the posts of Asstt. Technician only temporarily and on probation for a period of one year and their services were not to be continued in case their work and conduct were not to be satisfactory. By order dated 21-1-1984 (Ex. 6/W) the workman Shri Rane has been reverted to his substantive post of Driver (Motor) Mechanic with effect from 21-1-1984. Similar is the order in case of the other workman Shri Chawande, though the word 'reversion' not used therein. However, those orders (Exhibits 6/W and 13/W) state that their services were no longer required as Assistant Technicians.

12. In this connection, the Bombay Port Trust Employees (Recruitment Seniority and Promotion) Regulations, 1977 may be noted. These Regulations have been framed by the Central Government in exercise of the powers conferred upon them by Section 126, read with Section 28 of the Major Port Trusts Act, 1963. Section 9 of these Regulations states that when an employee appointed on probation to any grade or post has passed the specified departmental test and has completed his probation to the satisfaction of the appointing authority, he shall be eligible for confirmation in that grade or post. It is thus quite clear from this Regulation 9 that the workmen in question were to complete the period of probation to the satisfaction of the appointing authority. Regulation 10 (2), states that an employee on probation who holds a lien on a post may be reverted to such post at any time in any of the circumstances specified in sub-regulation (1). Sub-regulation (1) states that an employee on probation who has no lien on any post shall be liable to be discharged from service at any time without notice if on the basis of his performance or conduct during the period of probation, he is considered unfit

for further retention in service. Regulation 10(3) states that an employee on probation who is not considered suitable for confirmation at the end of the period of probation prescribed in regulation 8, shall be discharged or reverted in accordance with sub-regulation (1) or sub-regulation (2), as the case may be. Thus as per these regulations, if the work of these workmen is found not satisfactory, and in case they have been promoted through departmental test, they can be reverted to their original post, and they are not entitled to continue in that post.

13. Ex 29 is a copy of the chart showing the dates on which Shri A. B. Rane reported late for duty during his posting as Assistant Technician. It is seen from this chart that he had come late by one hour and more on 35 occasions. It is seen from the copies of inspection reports (Exs. 33 and 34) that on certain two dates 6-9-1983 and 9-9-1983, when surprise visits were made by the Sr. Executive Engineer (Mechanical), the workman Shri Chawande was not found on duty. It was further reported that he was a habitual late comer. Ex. 35 is a copy of the Chart showing late attendance of Shri A. D. Chawande. It is seen therefrom that he had attended late by one hour on 18 occasions during his posting as Assistant Technician. Therefore, the management of B.P.T. is quite justified in reverting the two workmen S/Shri A. B. Rane and A. D. Chawande during the period of probation as their work and conduct were not found satisfactory and they were not found fit to continue on those posts. The two workmen Shri Rane and Chawande filed their further affidavits at Exhibits 22 and 21 stating that the documents produced by the management of B.P.T. regarding their late attendance are not true, and they never attended their place of work late. The Junior Executive Engineer Shri Ranjendra Singh in his affidavit Ex. 23/M refuted the contentions raised by the two workmen as above, and stated that those documents were true and correct.

14. The two workmen are governed and bound by the said Bombay Port Trust Employees (Recruitment, Seniority and Promotion) Regulation, 1977. As their work, as noted above, as their attendance as above, was not found satisfactory, and they were on probation, their services were liable to be reverted to the former posts. I, therefore, find that the said orders of reversion are not illegal in any way and that those orders amounted to their reversion, and not to their retrenchment, and those orders were quite just and proper. Issues No. 2, 3, 5 and 6 are found in the negative.

ISSUES NOS. 7 and 8.

15. In the result, the action of the management of Bombay Port Trust in reverting the workmen S/Shri A. B. Rane and A. D. Chawande, Assistant Technician to the post of Driver (Motor) Mechanic i.e. the original post is just and proper. Issue No. 7 is found accordingly. As such Issue No. 8 does not survive. The following Award is therefore passed.

AWARD

The action of the management of Bombay Port Trust in reverting the workmen S/Shri A. B. Rane and A. D. Chawande Assistant Technicians, to the post of Driver (Motor) Mechanic is just and proper.

The parties to bear their own costs of this Reference.

P. D. APSENKAR, Presiding Officer
[No. L-31012/4/85-D. IV(A)/D. III (B)]
V. K. SHARMA, Desk Officer

आदेश

नई दिल्ली, 5 अक्टूबर, 1989

का.आ. 2741—एम.ई.सी.एल. का हमदेव धोव, डाकघर दक्षिणी जे.के.डी. कोलिपरी जिला सरगजा (म.प्र.) के प्रबंधसंल से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, जिनका प्रतिनिधित्व राष्ट्रीय कोयला खदान मजदूर मंड (इंटक) करती है, एक औद्योगिक विवाद विद्यमान है;

और उक्त नियोजकों और कर्मकारों ने औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 10-को उप धारा (1) के अधीन एक नियित करार द्वारा उक्त

विवाद को साध्यव्यम के लिए नियित करों का करार कर दिया है और उक्त साध्यव्यम करार की एक प्रति केन्द्रीय सरकार को भेजी गई है;

जहां अब, उस अधिनियम की धारा 10-क की उप धारा (3) के अनुसरण में केन्द्रीय सरकार उक्त साध्यव्यम करार का प्रकाशित करता है।

करार

(आद्योगिक विवाद अधिनियम, 1947 की धारा 10-क के अधीन) पक्षकारों के नाम

नियोजकों का प्रतिनिधित्व	यूनियन का प्रतिनिधित्व करने वाले
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महा प्रवंधन, हमदेव धोव,	जनरल मेंट्रिंग,
माउव इम्पर्ट कोलफील्डस लि.	राष्ट्रीय कोयला खदान मजदूर डाकघर दक्षिणी जे.के.डी.
	संघ (इंटक), एम.ई.सी.एल., कोनिकोंगी,
	मुद्रा नव शाहा, विनामपुर।
जिना सरगजा (म.प्र.)	

पक्षकारों के बीच नियित आद्योगिक विवाद को श्री एच.जी.भावे मंवकन मुख्य अमायिक (के) (सेवा निकृन्) नागपुर के साध्यव्यम के लिए नियित करने का करार दिया गया है।

(1) नियितिवित विवार्य विषय के अधीन हमदेव धोव, एम.ई.सी.एल. में ठेकेदारों के साध्यव्यम से नियोजित द्वय मरम्मत करने वाले मजदूरों का मामला।

“वहा हमदेव धोव की द्वय मरम्मत कार्य के लिए ठेका कार्य/कर्मकारों के विभागीयकरण के लिए यूनियन की मांग आयोजित है। यदि नहीं, तो कर्मकार किस अन्तों के हक्कार होंगे ?”

(2) एम.ई.सी.एल. के हमदेव धोव के प्रबंधतं, डाकघर दक्षिणी जे.के.डी. कोलिपरी जिनका प्रतिनिधित्व जनरल मेंट्रिंग, राष्ट्रीय कोयला खदान मजदूर मंड (इंटक) एम.ई.सी.एल मुख्यालय शाहा, विनामपुर के बीच विवाद।

(3) राष्ट्रीय कोयला खदान मजदूर मंड (इंटक) एम.ई.सी.एल. शाहा, सीपान गोट विनामपुर (मध्य प्रदेश)।

(4) प्रभावित उपकम में नियोजित कर्मकारों की कुल संख्या—200 (दो सौ के बराबर) (लगभग)

(5) विवाद द्वारा प्रभावित होने वाले कर्मकारों की प्रवक्तव्य संख्या—200 (दो सौ के बराबर) (लगभग)

साध्यव्यम अपना पंचाट तीन मास की कालावधि के था इतने और समय के भीतर जो हमारे बीच पारम्परिक लियित करार द्वारा बढ़ाया जाय, देगा।

साक्षी : प्रमकारों के हस्ताक्षर :

1. ह./20-9-89 ह./20-9-89
उप मुख्य कार्मिक प्रबंधक, हसदेव थोल,
एस.ई.सी.एल., दक्षिणी झागराखड़
कोलियरी, जिला सरगुजा (म.प्र.)

2. ह./20-9-89 ह./-
जनरल सेक्रेटरी, राष्ट्रीय कोषला खदान
मजदूर संघ (इंटक), एस.ई.सी.एल.
मुख्यालय शाब्दा विलासपुर।

मध्यस्थ की सहमति

एच.जी.भावे दूरभाष : आवास
एम.ए.डी.एस.डब्ल्यू.
(कलकत्ता), 7 अम्बाजारी ले आउट नाम नं
सी.एल.ए. (लंदन), के नजदीक नामपुर-440010।
संयुक्त मुख्य श्रम आयुक्त
(केन्द्रीय),
(सेवा निवृत्त)
सेवा में,

श्री आर.के. मेहता
महाप्रबंधक (पी.एंड.ए.)
एस.ई.सी.एल. विलासपुर (म.प्र.)

विषय :—आधिकारिक विवाद अधिनियम 1947 की धारा 10-क के अधीन माध्यस्थम आधिकारिक विवाद (केन्द्रीय) नियमों के नियम 7 के अधीन सहमति।

संदर्भ :—आपका तारीख 21-9-89 का पत्र सं. एस.ई.सी.एल./वी.एस.पी./जी.एस. (पी.एंड.ए.)
4/9/1790।

महोदय,

मैं एस.ई.सी.एल. के हसदेव थोल के प्रबंधनतंत्र और उनके कर्मकारों जिनका प्रतिनिधित्व आर.के.के.एम.एस. (इंटक) विलासपुर करता है के बीच दिनांक 20-9-89 को हुए कठार के अनुसार आधिकारिक विवाद में मध्यस्थता करने की अपनी सहमति देता हूँ।

धन्यवाद।

भवदीय,

ह./- 22-9-89

(एच.जी.भावे)

[संख्या एन-22025/4/89-प्राइ-0आर० कोल-III]

ORDER

New Delhi, the 5th October, 1989

S.O.2741.—Whereas an industrial dispute exists between the employers in relation to the Management of Hasdeo Area of SECL, P.O. South JKD Colliery, Distt. Surguja (MP) and their workmen represented by Rashtriya Koyla Khadan Mazdoor Sangh (INTUC).

And whereas, the said employers and their workmen have by a written agreement under sub-section (1) of section 10A of the I.D. Act, 1947 (14 of 1947), agreed to refer the said

dispute to arbitration and have forwarded to the Central Government a copy of the said arbitration agreement;

Now therefore, in pursuance of sub-section (3) of section 10 A of the said Act, the Central Govt. hereby publishes the said agreement.

AGREEMENT

(Under Section 10A of the Industrial Disputes Act, 1947)
BETWEEN

Representing Employer: General Manager, Hasdeo Area South Eastern Coalfields Ltd. P.O. South JKD Colliery, Distt. Surguja (MP).

Representing Union General Secretary, Rashtriya Koyla Khadan Mazdoor Sangh (INTUC), SECL Hqrs. Branch, BILASPUR

It is hereby agreed between the parties to refer the following dispute to the arbitration of Sri H.G. Bhavé, Joint Chief Labour Commissioner (Central) (Retd.), Nagpur.

(i) Case of Tube Repairing Mazdoors engaged through contractors in Hasdeo Area, SECL, under the following terms of reference :—

“Whether the demand of the Union for departmentalisation of contractual work/workers for Tub Repairing jobs of Hasdeo Area is justified ? If not, to what relief the workers should be entitled to ?”

(ii) Dispute between the Management of Hasdeo Area of SECL, P.O. South JKD Colliery, Distt. Surguja (MP) and their workmen represented by the General Secretary, Rashtriya Koyla Khadan Mazdoor Sangh (INTUC) SECL Hqrs. Branch, Bilaspur.

(iii) Rashtriya Koyla Khadan Mazdoor Sangh (INTUC), SECL Branch, Seepat Road, Bilaspur (MP).

(iv) Total number of workmen employed in the undertaking affected-200 (two hundred only) (Approx.)

(v) Estimated number of workmen affected-200. Two hundred only) (Approx.)

The arbitrator shall make his award within a period of three months or within such further time as it is extended by mutual agreement between us in writing.

Witnesses

1. Sd/- 20/9/89

Signature of the Parties

Sd/- 20/9/89
Dy. Chief Personnel Manager,
Hasdeo Area, SECL,
South Jhagrakhand Colliery,
Distt. Surguja (MP).

2. Sd/- 20/9/89

Sd/-
General Secretary,
Rashtriya Koyla Khadan
Mazdoor Sangh (INTUC),
SECL Hqrs. Branch, Bilaspur.

CONSENT OF THE ARBITRATOR

H.G. BHAVÉ
M.A.D.S.W. (Cal.) C.L.A.
(London)
Joint Chief Labour Commissioner
(C) (Retd.)

Phone : Res.
'Anand'
7 Ambazari Layout
Near Nag River,
Nagpur 440010.
Sept. 22, 1989

To

Shri R.K. Mehta,
General Manager (P&A)
SECI,
Bilaspur (MP).

Sub : Arbitration under section 10A of the I.D. Act, 1947
Consent under Rule 7 of the I.D. (C) Rules, 1957.

Reference: Your kind letter No. SECL/BSP/GM (P&A)/4/89/
1790 dt. 21/9/89.

Dear Sir,

I hereby give my consent to be an Arbitrator in the industrial dispute between the Management of Hasdeo Area of SECI and their workmen represented by R.K.K.M.S. (INTUC), Bilaspur in the light of their agreement dt. 20/9/89.

Thanking you,

Yours faithfully,
Sd/-
22/9/89
(H.G. BHAVE)

[No. L-22025(4)/89-IR (Coal-II)/I]

का.आ. 2742.—एम.ई.सी.एल. का हसदेव क्षेत्र, आकधर दक्षिणी जे.के.डी. कोलियरी, जिला सरगुजा (मध्य प्रदेश) के प्रबंधतंत्र में सम्बद्ध नियोजकों और उनके कर्मकारों के बीच जिनका प्रतिनिधित्व नेशनल कोलियरी वर्कर्स फेडरेशन यूनियन करती है, एक औद्योगिक विवाद विद्यमान है;

और उक्त नियोजकों और कर्मकारों ने औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (1) के अधीन एक लिखित करार द्वारा उक्त विवाद को मध्यस्थता के लिए निर्देशित करने का करार कर लिया है और उक्त माध्यस्थम करार की एक प्रति केन्द्रीय सरकार को भेजी गई है;

अतः अब, उक्त अधिनियम की धारा 10-क की उपधारा (3) के अनुसरण में केन्द्रीय सरकार उक्त माध्यस्थम करार को प्रकाशित करती है।

करार

(औद्योगिक विवाद अधिनियम, 1947 की धारा 10-क के अधीन)

पक्षकारों के नाम

नियोजकों का प्रतिनिधित्व यूनियन का प्रतिनिधित्व करने वाले करने वाले

महाप्रबंधक हसदेव क्षेत्र, मात्रउ इस्टर्न कोलफील्ड सलि. वाइस प्रेजीडेंट कर्मकारों की ओर से नेशनल कोलियरी वर्कर्स फेडरेशन दक्षिणी जे.के.डी. कोलियरी, रोजनगर जिला सरगुजा, जिला शाहडोल, मध्य प्रदेश। मध्य प्रदेश।

पक्षकारों के बीच निम्नलिखित औद्योगिक विवाद को श्री एच.जी. भावे, संयुक्त मुख्य श्रमायुक्त (के.) (सेवा निवृत्त), नागपुर के माध्यस्थम के लिए निर्देशित करने का करार किया गया है।

2850 GI/89-7.

(1) निम्नलिखित विचारार्थ विषय के अधीन हसदेव क्षेत्र, एम.ई.सी.एल. में ठेकेदारों के माध्यम से नियोजित टब मरम्मत करने वाले मजदूरों का मामला।

“क्या हसदेव क्षेत्र के टब मरम्मत कार्य के लिए ठेका कार्य/कर्मकारों के विभागीयकरण के लिए यूनियन की मांग न्यायोचित है? यदि नहीं, तो कर्मकार किस अनुतोष के हकदार होंगे।”

(2) एम.ई.सी.एल. के हसदेव क्षेत्र के प्रबंधतंत्र, आकधर दक्षिणी जे.के.डी. कोलियरी, जिला सरगुजा (म.प्र.) तथा उनके कर्मकारों, जिनका प्रतिनिधित्व वाइसप्रेजीडेंट, नेशनल कोलियरी वर्कर्स फेडरेशन यूनियन, आकधर, राजनगर, कोलियरी, जिला शाहडोल (म.प्र.) के बीच औद्योगिक विवाद।

(3) नेशनल कोलियरी वर्कर्स फेडरेशन यूनियन, आकधर राजनगर कोलियरी जिला शाहडोल (मध्य प्रदेश)

(4) प्रभावित उपकरण में नियोजित कर्मकारों की कुल संख्या—135 (एक सौ पैंतीस)

(5) विवाद द्वारा प्रभावित या संभाव्यतः प्रभावित होने वाले कर्मकारों की प्रकलित संख्या—135 (एक सौ पैंतीस)

मध्यस्थ अपना पंचाट तीन मास की कालावधि और या इन्हें और समय के भीतर जो हमारे बीच पारस्परिक लिखित करार द्वारा बढ़ाया जाये, देगा।

साक्षी :

पक्षकारों के हस्ताक्षर

1. ह.-/-

ह.-/-

उप-मुख्य कार्मिक प्रबंधक, एम.ई.सी.एल., हसदेव, क्षेत्र के प्रबंधतंत्र की ओर से।

2. ह.-/-

ह.-/- 23-9-89
वाइस प्रेजीडेंट, कर्मकारों के ओर से, राजनगर कोलियरी, एन.सी.डब्ल्यू. एक यूनियन मध्यस्थ की सहमति

एच.जी. भावे,
एम.ए०, डी.एम.डब्ल्यू.
(फलकता),
सी.एल.ए. (लंदन),
संयुक्त मुख्य श्रम आयुक्त
(केन्द्रीय), (सेवा निवृत्त)

दूरभाष : आधास “आनन्द”
7 अम्बाजारी ने-आउट,
नाग नदी के नजदीक,
नागपुर-440010
मितम्बर 25, 1989

सेवा में,

महाप्रबंधक (पी एड प.),

एम.ई.सी.एल.

बिलामपुर (मध्य प्रदेश)

विषय:—आंदोलिक विवाद अधिनियम, 1947 की धारा 10-के अधीन माध्यस्थम—आंदोलिक विवाद (केन्द्रीय नियमों के नियम 7 के अधीन सहमति)।

महोदय,

मैं एम.ई.सी.एल. और नेशनल कॉलियरी वर्कर्स फैडरेशन, भागराखण्ड कॉलियरी, जिला भरगुजा (मध्य प्रदेश) के बीच कागर के अनुसार हस्तेव क्षेत्र के टब भरमत करने वाले मजदूरों से संबंधित आंदोलिक विवाद में मध्यस्थता करने की अपनी सहमति देता हूँ।

भवदीय,

ह/। 25-9-89

[मंश्या एन. 22025/4/89-आई० आर० (कोल II)/III]

S.O.2742.—Whereas an Industrial dispute exists between the employers in relation to the Management of Hasdeo Area of SECL, PO : South JKD Colliery, District Surguja (MP) and their workmen represented by National Colliery Workers Federation Union.

And whereas, the said employers and their workmen have by a written agreement under sub-section (1) of section 10A of the I.D. Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration and have forwarded to the Central Government a copy of the said arbitration agreement.

Now therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said agreement.

AGREEMENT

(Under Section 10A of the Industrial Disputes Act, 1947)
BETWEEN

Representing Employer: General Manager,
Hasdeo Area,
South Eastern Coalfields Ltd.
PO : South JKD Colliery,
Distt. Surguja (MP).

Representing Union : Vice-President,
for and on behalf of workmen,
National Colliery Workers
Federation Union,
PO : Rajnagar Colliery,
Distt. Shahdol (MP).

It is hereby agreed between the parties to refer the following dispute to the arbitration of Sri H.G. Bhave, Joint Chief Labour Commissioner (Central) (Retd.), Nagpur.

(i) Case of Tub Repairing Mazdoors engaged through contractors in Hasdeo Area, SECL, under the following terms of reference :—

“Whether the demand of the Union for departmentalisation of contractual work/workers for Tub Repairing jobs of Hasdeo Area is justified? If not, to what relief the workers would be entitled to?”

(ii) I.D. between the Management of Hasdeo Area of SECL, PO : South JKD Colliery, Distt. Surguja (MP) and their workmen represented by Vice President, National Colliery Workers Federation Union, PO : Rajnagar Colliery, Distt: Shahdol (M.P.).

(iii) National Colliery Workers Federation Union, PO : Rajnagar Colliery, Distt: Shahdol (MP).

(iv) Total number of workmen employed in the undertaking affected-135 (One hundred thirtyfive)

(v) Estimated number of workmen affected-135 (One hundred thirtyfive)

The Arbitrator shall make his award within a period of three months or within such further time as is extended by mutual agreement between us in writing.

Witnesses

Signature of the Parties

1. Sd/-

Sd/- 23-9-89

Dy. Chief Personnel Manager,
For and on behalf of Management
of SECL, Hasdeo Area.

2. Sd/-

Sd/- 23-9-89

Vice President,
For and on behalf of workmen
Rajnagar Colliery, NCWF Union

H.G. Bhave

PH: Res.

M.A. D.S.W. (Cal) C.L.A.

'ANAND'

(London)

7 Ambazari

Joint Chief Labour Commissioner
(Central) (Retd.)

Layout
Near Nag River

Nagpur 440010

Sept. 25, 1989

To

The General Manager (P & A),
SECL, Bilaspur (MP).

Sub : Arbitration under Section 10A of the I.D. Act, 1947
Consent under Rule 7 of I.D. (C) Rules.

Dear Sir,

I hereby give my consent to be an Arbitrator in the Industrial Dispute relating to Tub-Repairing Mazdoors of Hasdeo Area in the terms of agreement between the SECL and National Colliery Workers' Federation, Jharkhand Colliery, Distt. Surguja (MP).

Yours faithfully,
Sd/- 25-9-89

[No. L-22025(4)/89-IR(Coal-II)/III]

का.आ. 2743.—एस.ई.सी.एल. का हस्तेव क्षेत्र, डाकघर दक्षिणी जे.के.डी. कॉलियरी, जिला भरगुजा (म.प्र.) के प्रबंधतां से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, जिनका प्रतिनिधित्व मंयुक्त खदान मजदूर संघ (एटक) करती है, एक आंदोलिक विवाद विद्यमान है;

और उक्त नियोजकों और कर्मकारों ने आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-की उपधारा (1) के अधीन एक लिखित कागर द्वारा उक्त विवाद को माध्यस्थम के लिए निर्देशित करने का कागर कर लिया है, और उक्त माध्यस्थम कागर की एक प्रति केन्द्रीय सरकार को भेजी गई है;

अतः अब, उक्त अधिनियम की धारा 10-की उपधारा (3) के अनुसार में, केन्द्रीय सरकार उक्त माध्यस्थम कागर को प्रकाशित करती है।

कागर

(आंदोलिक विवाद अधिनियम, 1947 की धारा 10-के अधीन)
पक्षकारों के नाम

नियोजकों का प्रतिनिधित्व
करने वाले

यूनियन का प्रतिनिधित्व करने वाले

ह./-22-9-89
अपर मुख्य कार्मिक प्रबंधक
(आई.आर.),
माउथ ईस्टर्न कोलफोल्डम लि०
सीपत रोड, पोस्ट बाक्स 60,
बिलासपुर-495001
(मध्य प्रदेश)

ह./-22-9-89
सेक्टरी संयुक्त खदान मजदूर संघ
(एट्क), केन्द्रीय कार्यालय,
नन्दिनी माइन्स,
जिला दुर्ग (मध्य प्रदेश)
हमदेव एरिया।

पश्चारों के बीच निम्नलिखित औद्योगिक विवाद को श्री एम.जी.भावे, संयुक्त मुख्य श्रमायुक्त (के) (सेवा-निवृत्त) नागपुर के माध्यस्थम के लिए निर्वैशित करने का करार किया गया है।

(1) निम्नलिखित विवारण विषय के अधीन हमदेव थेव, एम.ई.सी.एल. में ठेकेदारों के माध्यम से नियोजित टब मरम्मत करने वाले मजदूरों का मामला।

“क्या हमदेव थेव के टब मरम्मत कार्य के लिए ठेका कार्य/कर्मकारों के विभागीकरण के लिए यूनियन की मांग न्यायोचित है? यदि नहीं, तो कर्मकार किस अनुमोदि के हकदार होंगे?”

(2) एम.ई.सी.एल. के हमदेव थेव के प्रबंधतंत्र, आकाश दक्षिणी जे.के.डी. कोलियरी, जिला सरगुजा (म.प्र.) तथा उनके कर्मकारों, जिनका प्रतिनिधित्व सेक्टरी, संयुक्त खदान मजदूर संघ (एट्क), नन्दिनी माइन्स, जिला दुर्ग (म.प्र.), हमदेव एरिया के बीच विवाद।

(3) संयुक्त खदान मजदूर संघ (एट्क), नन्दिनी माइन्स, जिला दुर्ग, (मध्य प्रदेश), हमदेव थेव।

(4) प्रभावित उपकरम में नियोजित कर्मकारों की कुल संख्या-50 (पचास केवल)।

(5) विवाद द्वारा प्रभावित या संभाष्यतः प्रभावित होने वाले कर्मकारों की प्राक्करित संख्या-50 (पचास केवल)

मध्यस्था अपना पंचाट तीन मास की कालावधि या इन्होंने और समय के भीतर जो हमारे बीच पारस्परिक लिखित करार बढ़ाया जाये, देगा।

माझी : पश्चारों के हस्ताक्षर

1. ह./-22-9-89 ह./-22-9-89

2. ह./-22-9-89 अपर मुख्य कार्मिक प्रबंधक,
(आई.आर.),
माउथ ईस्टर्न कोलफोल्डम लि०,
सीपत रोड, पोस्ट बाक्स नं. 60,
बिलासपुर-495001 (म.प्र.)

ह./-22-9-89
सेक्टरी संयुक्त खदान मजदूर संघ (एट्क)
केन्द्रीय कार्यालय, नन्दिनी माइन्स,
जिला दुर्ग (म.प्र.),
हमदेव एरिया।

एच.जी.भावे,
एम.ए.डी.एस.इबल्यू.
(कलकत्ता),
सी.ए.ल.ए. (लंदन),
संयुक्त मुख्य श्रम श्रमायुक्त
(केन्द्रीय), (सेवा-निवृत्त)

दूरभाष : श्रावास—
“आनन्द”
7, अम्बाजारी ने आउट, नाग नदी
के नजदीक, नागपुर-440010

सितम्बर 25, 1989

सेवा में,

महा प्रबंधक (पी.एड.ए.टी.)
एस.ई.सी.एल.,
बिलासपुर (म.प्र.)

विषय :— औद्योगिक विवाद अधिनियम, 1947 की धारा 10-A के अधीन माध्यस्थम-औद्योगिक विवाद (केन्द्रीय) नियमों के नियम 7 के अधीन सहमति।

महोदय,

मैं, एस.ई.सी.एल. और एस.के.एस.एग. (एट्क) के बीच करार के अनुसार, हमदेव थेव के टब मरम्मत करने वाले मजदूरों से संबंधित औद्योगिक विवाद में मध्यस्थता करने की अपनी सहमति देता हूँ।

भवदोय,

ह./-22-9-89

[मध्या एन-22025(4)/89-आई.आर. (कोल-II)/II]

S.O. 2743 : Whereas an industrial dispute exists between the employers in relation to the Management of Hasdeo Area of SECL, PO South JKD Colliery, District Surguja (MP) and their Workmen represented by Samyukta Khadan Mazdoor Sangh (AITUC).

And Whereas, the said employers and their workmen have by a written agreement under sub-section (1) of section 10A of the I.D. Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration and have forwarded to the Central Government a copy of the said arbitration agreement;

Now, therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said agreement.

AGREEMENT

(Under Section 10A of the Industrial Disputes Act, 1947)

BETWEEN

Representing Employer : Sd/- 22-9-89
Addl. Chief Personnel Manager (IR) South Eastern Coal-fields Ltd, Seepat Road, Post Box No. 60, Bilaspur-495 001 (MP)

Representing Union : Sd/- 22-9-89
Secretary,
Samyukta Khadan Mazdoor Sangh (AITUC), Central Office, Nandini Mines, Distt. Durg (MP), HASDEO AREA.

It is hereby agreed between the parties to refer the following dispute to the arbitration of Sri H.G. Bhavé, Joint Chief Labour Commissioner (Central) (Retd.), Nagpur.

(i) Case of Tub repairing Mazdoor engaged through contractors in Hasdeo Area, SECL, under the following terms of reference :—

"Whether the demand of the Union for departmentalisation of contractual work/workers for Tub Repairing jobs of Hasdeo Area is justified? If not, to what relief the workers would be entitled to?"

- (ii) Dispute between the Management of Hasdeo area of SECL, PO. South JKD Colliery, Distt. Surguja (MP) and their workmen represented by the Secretary, Samyukta Khadan Mazdoor Sangh (AITUC), Nandini Mines, Distt. Durg (MP), Hasdeo Area.
- (iii) Samyukta Khadan Mazdoor Sangh (AITUC), Nandini Mines, Distt. Durg (MP), Hasdeo Area.
- (iv) Total number of workmen employed in the undertaking affected—50 (fifty only).
- (v) Estimated number of workmen affected—50 (fifty only).

The arbitration shall make his award within a period of three months or within such further time as is extended by mutual agreement between us in writing.

Witnesses	Signature of the Parties
1. Sd/- 22-9-89	Sd/- 22-9-89 Addl. Chief Personnel Manager (IR), South Eastern Coalfields Ltd., Seepat Road, Post Box No. 60, Bilaspur-495 001 (MP)
2. Sd/- 22-9-89	Sd/- 22-9-89 Secretary, Samyukta Khadan Mazdoor Sangh (AITUC), Central Office, Nandini Mines, Distt. Durg (MP), HASDEO AREA

H.G. Bhave M.A., D.S.W. (Cal.) C.L.A. (London) Joint Chief Labour Commissioner (Central) (Retd.)	Phone : Res. 'ANAND' 7-Ambazari Layout Near Nag river, Nagpur-440 010.
	Sept. 25, 1989

To,

The General Manager (P & A)
SECL, Bilaspur (MP).

Sub: Arbitration under Section 10A of the I.D. Act, 1947
Consent under Rule 7 of the I.D.(C) Rules.

Dear Sir,

I hereby give my Consent to be an Arbitrator in the industrial dispute relating to Tub repairing Mazdoors of Hasdeo Area in the terms of agreement between the SECL and S.K.M.S. (AITUC).

Yours faithfully'

Sd/- 25-9-89

[No. L-22025(4)/89-IR(Coal-II)/II]

नई दिल्ली, 9 अक्टूबर, 1989

का.ग्रा. 2744.—औद्योगिक विधाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व मैसर्ज इ.सी.लि. की खास काजोरा कोनियरी के प्रबंधतंत्र से मंबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विधाद में केन्द्रीय सरकार औद्योगिक अधिकारण कलकत्ता के पंचायट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-9-89 प्राप्त को हुआ था।

S.O. 2744.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of Khas Kajora Colliery of M/s. E.C. Ltd. and their workmen, which was received by the Central Government on 28-9-89.

ANNEXURE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 43 of 1984

PARTIES :

Employers in relation to the management of Khas Kajora Colliery of E.C. Ltd.

AND

Their Workmen.

PRESENT :

Mr. Justice Sukumar Chakravarty, Presiding Officer.

APPEARANCES :

On behalf of Employer—Mr. P. Banerjee, Advocate with Mr. S. K. Pandey, Deputy Personnel Manager of the Colliery.

On behalf of Workmen—Mr. D. L. Sengupta, Senior Advocate with Mr. Saibal Mukherjee, Advocate.

STATE : West Bengal.

INDUSTRY : Coal.

AWARD

By Order No. L-19012(11)/84-D.IV(B) dated 14th August, 1984, the Government of India, Ministry of Labour and Rehabilitation (Department of Labour) referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Khas Kajora Colliery of E.C. Ltd., in dismissing Shri Ram Charitar Nunia, Ex-U.G. Loader of the said colliery with effect from 20-12-83, is justified? If not, to what relief the workman is entitled?"

2. The case as made out by the Union sponsoring the cause of the concerned workman Ram Charitar Nunia is briefly as follows : The workmen of the Khas Kajora Colliery decided in a meeting on 20-2-1983 to form a branch unit of the Colliery Mazdoor Congress (HMS) and formed the same with Ram Charitar Nunia, the concerned Unions and placing the charter of demand. The concerned workman as its Vice President and intimated the same to the Union at Asansole by a letter dated 4-3-1983. The said Union placed its charter of demand before the management on the outstanding disputes of the workmen of the colliery on 25-3-1983. Immediately therefore the Management issued the charge-sheet against the concerned workman Ram Charitar Nunia by its letter dated 4-4-1983 for the alleged misconduct said to have been committed by him on 30-3-1983. The allegations in the charge-sheet were false and motivated only to harass and victimise the workman concerned for his taking part in the formation of the Union and placing the charter of demand. The concerned workman in his reply to the charge-sheet denied the allegations made in the charge-sheet. The Management appointed Mr. P. S. Lal Singh as the Enquiry Officer to conduct the domestic enquiry on the charge-sheet against the concerned workman and some others. The person who issued the charge-sheet and the person who appointed the Enquiry Officer was not competent to do the same in law and as such the entire domestic enquiry proceedings were vitiated and void ab initio. The Management implicated the innocent workman for the incident of 30-3-1983 and tried to prove the same with the help of the workmen of the rival union. The enquiry proceedings were perfunctory in nature and in violation of the principle of natural justice.

3. Out of the three charges mentioned in the charge-sheet levelled against the concerned workman the Enquiry Officer found the concerned workman guilty of the charge of assault upon Dr. S. Bakshi, Senior Medical Officer of the Colliery. The Management on the basis of such report of the Enquiry

Officer dismissed the concerned workman from service with effect from 20-12-1983. The said dismissal of the concerned workman has been unjustified according to the Union. Accordingly the Union took up the cause of the concerned workman and the Union approached the Conciliation Officer for conciliation. failure report of the Conciliation Officer resulted in the present reference.

4. The Union after getting the copy of the written statement filed by the Management submitted their rejoinder before this Tribunal. In the rejoinder the Union has come with some different story which was not at all mentioned in the written statement. According to the Union the concerned workman has been made a victim of the conspiracy at the behest of the Agent of the Colliery in connection with the incident of 30-3-1983 to divert the real issue of the mis-management and deficiency in the ambulance arrangement by the Colliery hospital. According to the Union the wife of Bangali Nunia, another workman of the colliery was suffering from labour pain since sometime after 9 A.M. on 29-3-1983, Bangali Nunia met the Dr. S. Bakshi at about 1 A.M. on 30-3-1983 who filled-up the proforma for shifting the patient to Chora Hospital for admission. The doctor after filling-up the proforma with his signature advised Bangali Nunia and his other associates to get the company's vehicle from the management as the ambulance was out of order and as the hire vehicle used for ambulance left the colliery at about 8 P.M. Bangali Nunia and his other companions could not get the company's vehicle. Consequently the patient died for the criminal negligence on the part of the management of the colliery. The workmen of the colliery got naturally agitated over this sensitive matter and about 40 to 50 persons rushed near the quarter of Dr. Bakshi at about 8.10 A.M. on 30-3-1983. At the sight of the mob Dr. Bakshi stayed at Agent's chamber on 30-3-1983 from 8.15 A.M. till afternoon. The Union has denied the charge of assault upon the doctor by the concerned workman along-with others.

5. The case as made out by the management in their written statement is briefly as follows : The concerned workman Ram Charitar Nunia alongwith a number of other workmen of the colliery assembled near the gate of the quarter of Dr. Bakshi on 30-3-1983 at about 8.10 A.M. in a furious mood. Ram Charitar Nunia and Lachmi Nunia assaulted Dr. Bakshi with fist and lathis and made an attempt to murder him. The wife of Dr. Bakshi somehow rescued her husband. In the mean time Mr. A. K. Chowdhury, the Manager of the Colliery and Mr. S. S. Lahiry, Deputy Finance Manager of the colliery came there after hearing the hue and cry and took Dr. Bakshi to the colliery office. The infuriated mob being led by Ram Charitar Nunia and Lachmi Nunia trespassed into the bungalow of the Agent of the colliery and abused the Agent and the members of his family and threatened to assault him. The infuriated mob led by the aforesaid two workmen then came to the colliery office at about 9 A.M. and abused and threatened the Agent with dire consequence till the arrival of the police. The management issued the charge-sheet against a number of workmen including the Ram Charitar Nunia and Lachmi Nunia. The Enquiry Officer appointed for the purpose, held the domestic enquiry. The concerned workman Ram Charitar Nunia was found guilty of the charge of assault upon Dr. Bakshi but he was not found guilty of the other charges for trespass and participating in violent mob action. The management accepted the report of the Enquiry Officer and dismissed the concerned workman from service in view of the gravity of the misconduct.

6. In a reference of this nature which has arise out of the dismissal of the concerned workman on the basis of the domestic enquiry in respect of the charges levelled against the delinquent workman, this Tribunal heard the preliminary issue first with regard to the validity of the domestic enquiry. By its order dated 27-3-1989 this Tribunal found that the domestic enquiry held by the Enquiry Officer against the concerned workman Ram Charitar Nunia was valid and accordingly gave direction to hear the case on merit on the basis of the materials in the record. Accordingly, both the union and the management have submitted their respec-

tive arguments on merit. The management has also submitted written argument in support of the oral submission.

7. The charges against the delinquent workman as per the charge-sheet were on three counts, namely (1) that on 30-3-1983 at about 8.10 A.M. the delinquent workman assaulted Dr. Bakshi, Senior Medical Officer of the Khas Kajora Colliery near the gate of his quarter in an attempt to murder him; (2) that at about 8.30 A.M. on the same day the delinquent workman trespassed into the quarter of the Agent of the colliery and abused the Agent and the members of his family and threatened to assault and kill the Agent; (3) that at about 9 A.M. on the same day the delinquent workman participated in violent mob again in the office of the Agent and abused and threatened him with dire consequence.

8. The entire proceedings of the domestic enquiry are Ext. M-1 collectively, which include the charge sheet, evidence sheets and the report of the Enquiry Officer. It appears from the report of the Enquiry Officer that the Enquiry Officer found the delinquent workman guilty of the last count of the charge, namely assault upon Dr. Bakshi and did not find him guilty of the two other counts of the charges. It has already been stated that the management accepted the report of the Enquiry Officer and then dismissed the delinquent workman from service.

9. It is now well-settled principle of law that under section 11A of the Industrial Disputes Act, 1947, the Industrial Adjudicator has not only the jurisdiction to interfere with the findings of the Enquiry Officer on his own appraisal of the evidence, if he comes to a different conclusion then the one arrived at by the Enquiry Officer and then to set aside the order of dismissal or discharge of a workman and direct the re-instatement but also the jurisdiction in exercising his discretion to mould that relief including the award of lesser punishment in lieu of discharge or dismissal as may be warranted by the circumstances of the case.

10. The management has examined a number of witnesses including Dr. Bakshi himself before the Enquiry Officer. The delinquent workman has also given his statement before the Enquiry Officer and has examined some defence witnesses. The management has dismissed the delinquent concerned workman on the basis of the charge of assault upon Dr. Bakshi said to have been proved against him as per the report of the Enquiry Officer. On appraisal of the evidence, this Tribunal is to see whether the evidence substantiates the findings of the Enquiry Officer in this respect.

11. The union sponsoring the cause of the workman concerned has admitted in their rejoinder that after the death of the wife of Bangali Nunia, either in the end of the night or in the early morning of 30-3-1983, at about 8.10 A.M. of 30-3-1983 some 40 to 50 persons rushed near the quarter of Dr. Bakshi. The evidence of Dr. Bakshi also proves the same. It is the case of the union that Dr. Bakshi stayed at the chamber of the Agent throughout the entire day of 30-3-1983 from 8.15 A.M. till afternoon. The union has however not stated what happened to Dr. Bakshi before his arrival to the Agent's chamber at 8.15 A.M. on 30-3-1983 and how Dr. Bakshi went to the Agent's chamber keeping a crowd of 40 to 50 persons near the gate of his quarter. The statement of the delinquent workman Ram Charitar Nunia before the Enquiry Officer shows that they went to the Chora Hospital at about 5 A.M. on 30-3-1983 alongwith the wife of Bangali Nunia by hiring a private taxi when the company could not make any vehicle available to the delinquent workman who accompanied Bangali Nunia for carrying the wife of Bangali Nunia to Chora Hospital for admission because of her acute delivery pain, as per the requisition slip given by Dr. Bakshi in the dead of night. The statement of the delinquent workman further shows that the nurse of the hospital after examining the patient before her admission into the hospital found her dead. It is therefore clear that the delinquent workman and his other associates who went to the hospital alongwith the wife of Bangali Nunia, returned to the colliery before 8 A.M. and then reported the death of Bangali Nunia's wife to the authority of the colliery and also to the other workmen in the colliery. The

union has admitted in their rejoinder that the negligence on the part of the management of the colliery in making arrangement for quick removal of the ailing wife of Bangali Nunia to the hospital and her death on the way to the hospital got the workmen enraged and agitated and that 40 to 50 persons in that agitated mood rushed to the quarter of Dr. Bakshi at about 8.10 A.M. on 30-3-1983. The presence of the delinquent workman Ram Charitar Nunia in the said mob of 40 to 50 persons has been proved by the evidence of Dr. Bakshi himself. The evidence of H. Prasad, the Agent of the Colliery has also proved the presence of the delinquent workman Ram Charitar Nunia in the said mob. It is true that the Agent H. Prasad has not seen the alleged assault upon Dr. Bakshi but it transpires from evidence that he heard about the same from the Manager, A. K. Chowdhury over the phone.

12. Dr. Bakshi has stated in his evidence that the delinquent workman Ram Charitar Nunia and Lachmi Nunia were in the front of the mob and that when he came out of his quarter and reached the front of the gate, the delinquent workman Ram Charitar Nunia and Lachmi Nunia caught hold of his collar and started assaulting him with fist and blows alongwith others and some of them also used lathi to press on his abdomen. It transpires from his evidence that Dr. Bakshi could not identify others who also assaulted him but he could identify the delinquent workman concerned and Lachmi Nunia. In this particular reference this Tribunal is concerned with the delinquent workman Ram Charitar Nunia. So I shall give my finding about this workman only after due consideration of the evidence. The evidence of Dr. Bakshi further shows that he was pushed back and pressed on his neck. Be that as it may, Dr. Bakshi could recognise the concerned workman Ram Charitar Nunia as one of the assailants. According to doctor's evidence, Ram Charitar Nunia was in the front of the mob and he alongwith others first of all caught hold of the collar of the doctor and started beating him. Mention may be made here that Ram Charitar Nunia himself has admitted in his statement that in the night before the wife of Bangali Nunia was taken to the hospital he himself alongwith Bangali Nunia went to the quarter of Dr. Bakshi and got the necessary papers signed by the doctor admission of the wife of Bangali Nunia in the hospital. It therefore appears that Dr. Bakshi had occasion to see the concerned workman Ram Charitar Nunia in the night before the incident in the next morning and had his talk with him also. So it could not be said that it was not possible for Dr. Bakshi to recognise the concerned workman Ram Charitar Nunia in the mob of 40 to 50 persons. Mention may be made here also that the evidence has disclosed that Ram Charitar Nunia was not an ordinary workman but he was the Vice President of the local unit of the Union.

13. It is true that no other witness on the side of management has come to say that they saw the assault upon Dr. Bakshi by the concerned workman and Lachmi Nunia. Mr. Banerjee, the Learned Advocate for the management has candidly admitted that no other witness has stated so in his evidence. Mr. Banerjee has however submitted that in a case of this nature the Tribunal should not look for the number of witness but should weigh the evidence of Dr. Bakshi himself in the facts and circumstances of the present case. Mr. Sengupta, the Learned Advocate for the union has however submitted that this Tribunal should not come to any finding solely on the basis of the evidence of Dr. Bakshi who might have involved the concerned workman at the behest of the management to divert the management's negligence in the affairs of the death of the wife of Bangali Nunia. Keeping in view the submission of the Learned Advocates for the respective parties I shall have to consider the value and reliability of the evidence of Dr. Bakshi so far as the factum of assault upon him by the concerned workman and Lachmi Nunia is concerned.

14. Mr. Sengupta, the Learned Advocate for the concerned workman has submitted that the evidence of Dr. Bakshi about the assault upon him by the concerned workman should not be relied on by this Tribunal as there is no corroborative evidence like the medical report showing the mark of assault upon Dr. Bakshi and the evidence of any

other witness showing the assault upon Dr. Bakshi. Mr. Sengupta has further submitted that there is no evidence also to show that any diary was lodged with the Police Station about the assault upon Dr. Bakshi. It is true that there is no medical report showing the mark of assault upon Dr. Bakshi and that there is no police diary about the assault upon Dr. Bakshi on the date of the occurrence. The management's witness Mr. H. Prasad has however stated in his evidence that he heard from the Manager A. K. Chowdhury over the phone about the assault upon Dr. Bakshi immediately after the incident on 30-3-1983. The Manager A. K. Chowdhury in his evidence has stated that he heard from Dr. Bakshi himself in the office that he was beaten by some workers near his residence in the morning of the date of the incident. Mr. Lahiry, Deputy Finance Manager in his evidence has stated that after hearing the hue and cry in the morning of 30-3-1983, he came out from his quarter and found that a good number of persons were assaulting Dr. Bakshi. It appears that the quarter of Mr. Lahiry was near the quarter of Dr. Bakshi. It is true that there is nothing in evidence of Dr. Bakshi that he told Mr. A. K. Chowdhury or Mr. Lahiry or Mr. Prasad about the name of his assailant. Be that as it may, the evidence of Mr. Lahiry directly proves the assault upon Dr. Bakshi on the date of the occurrence near the quarter of Dr. Bakshi. The evidence of the Manager A. K. Chowdhury and the Agent H. Prasad proves that they heard about the assault upon Dr. Bakshi. So it cannot be said that there is no corroborative evidence to the evidence of Dr. Bakshi about the assault upon him on the date of the occurrence. It may be that Dr. Bakshi did not sustain any visible injury requiring the medical treatment. It has transpired in evidence that he was assaulted by fist and blows and pressed by a lathi after the collar of his shirt was caught hold of. The evidence therefore proves that Dr. Bakshi was assaulted at the alleged time and date near the gate of his quarter.

15. Mr. Sengupta has submitted that according to the evidence of Dr. Bakshi he was assaulted in presence of his wife and small daughter and that the management has not examined any of them before the Enquiry Officer. The evidence of Dr. Bakshi has shown that his daughter cried by saying "Babake Mere Fello" at the sight of the assault upon him and that his wife came forward and pulled him for safety. His evidence further shows that at that time Mr. Lahiry also came there and rescued him and advised him to go to the Agents office room. Non-examination of the wife and daughter of Dr. Bakshi before the Enquiry Officer does not demolish the value of the evidence of Dr. Bakshi himself and the evidence of other witnesses which has already been discussed above.

16. It is true that Dr. Bakshi alone has stated in his evidence that the concerned workman Ram Charitar Nunia and Lachmi Nunia who were in front of the mob caught hold of his collar and assaulted him with fist. I have already stated that the union in their rejoinder has admitted the presence of the agitated mob of about 40 or 50 persons near the gate of quarter of Dr. Bakshi at the time of the occurrence and that the union has not stated what happened to Dr. Bakshi when he came out of his quarter and went to the Agent's office at 8.15 A.M. and remained there till after noon. The facts and circumstances rather establish that the said agitated mob accosted Dr. Bakshi and the evidence has established that some of the mob assaulted Dr. Bakshi there. In the circumstances I find no reason why the evidence of Dr. Bakshi should not be believed when he has stated that Ram Charitar Nunia and Lachmi Nunia assaulted him. It could not be shown from the side of the workmen that Dr. Bakshi had any enmity with Ram Charitar Nunia and Lachmi Nunia. The suggestion as given by the union that the delinquent workman Ram Charitar Nunia has been implicated by Dr. Bakshi at the instance of the management only to divert the episode about the death of the wife of Bangali Nunia because of the negligence on the part of the management including Dr. Bakshi himself, has not been substantiated by giving that suggestion to the doctor himself in his cross-examination before the Enquiry Officer and accordingly the said suggestion does not appear to be acceptable in the facts and circumstances of the present case.

17. In view of what has been discussed above, I find that the concerned workman Ram Charitar Nunia and Lachmi Nunia assaulted Dr. Bakshi on the date of the occurrence near the gate of the quarter of Dr. Bakshi, being in front of the mob of about 40 or 50 persons. The finding of the Enquiry Officer to that effect has been substantiated by evidence.

18. Now the question comes in whether the management has been justified in dismissing the concerned workman from service on the basis of the said report of the Enquiry Officer which was accepted by the management on due consideration of the materials in the enquiry proceedings. The evidence of Dr. Bakshi and the statement of the concerned workman Ram Charitar Nunia have shown under what circumstances the wife of Bangali Nunia met her death in the early morning of 30-3-1983 on her way to the Chora Hospital. The evidence of Dr. Bakshi and the statement of the concerned workman have shown that labour pain of Bangali Nunia's wife started at about 9 P.M. on 29-3-1983 and that the concerned workman along with Bangali Nunia came to the Dr. Bakshi's residence at about 1 A.M. on 30-3-1983 and got some forms signed by the doctor for admission of the wife of Bangali Nunia in the Chora Hospital at a considerable distance from the colliery hospital. It appears that Bangali Nunia and the concerned workman rather made delay in approaching Dr. Bakshi. Be that as it may, it appears that Dr. Bakshi's service was available to them. It however appears that Dr. Bakshi could not make arrangement for conveyance as the hospital ambulance was out of order and as the other vehicle hired for the purpose left the local hospital at 8 P.M. in the night of 29-3-1983. The evidence of Dr. Bakshi shows that company's other vehicle was to be requisitioned in case of urgency for the removal of any patient to the hospital. The evidence and facts and circumstances as disclosed at the time of the domestic enquiry proceedings show that due to the negligence of the management officials including Dr. Bakshi himself, the company's vehicle could not be arranged for removal of the wife of Bangali Nunia to the Chora Hospital although Dr. Bakshi was approached at about 1 A.M. in the night for removal of the wife of Bangali Nunia to Chora Hospital. The poor workman with the help of Ram Charitar Nunia and some others somehow procured the hired taxi and removed the patient to the Chora Hospital where she was declared dead at about 5 A.M. of 30-3-1983. Naturally Bangali Nunia and other workmen would get agitated on such death of the wife of Bangali Nunia and there might be commotion amongst the workmen in such a position the proper guidance and advise of the leader of the union is required. The concerned workman Ram Charitar Nunia was the Vice President of the local unit of the union at the relevant time. It is expected that the Vice President of the Union would channelise such agitation of the workmen in a proper and helpful way.

19. The death of the wife of Bangali Nunia is no doubt pitiable and the negligence on the part of the management officials including Dr. Bakshi in the matter of quick removal of the wife of Bangali Nunia to the Chora Hospital, as disclosed by the facts and circumstances of the present case, is no doubt reprehensible and might give scope for causing agitation amongst the workmen. But the union leader who led the mob ought to have thought that the assault upon Dr. Bakshi or any other management official by raiding their quarter would not bring back the life to the dead-body of the wife of Bangali Nunia. The union leader could have channelised the said agitation amongst the workmen for bringing to book the management officials concerned by approaching the higher authority for their negligence and could have taken steps for recovery of reasonable compensation from the management for the death of the wife of Bangali Nunia but the union leader who led the mob did not do so. On the other hand, it appears that the union leader like the concerned workman led the agitated mob for assault upon Dr. Bakshi by going near the gate of the residence of Dr. Bakshi on a premeditated plan. It may be noted here that the wife of Bangali Nunia died before 5 A.M. on her way to the Chora Hospital and the mob came to the gate of the residence of Dr. Bakshi at 8 10 A.M. and assaulted Dr. Bakshi at that time. It therefore

appears that the union leader led the mob about three hours after the death of the wife of Bangali Nunia with the intention of assaulting Dr. Bakshi.

20. The assault upon the doctor of the hospital in an establishment by the workmen of that establishment for any negligence of the doctor cannot be encouraged keeping in view the discipline in the administration. If, however, such assault is made by any union leader whose guidance and advise are necessary for smooth running of the establishment then it becomes more grave and dangerous. In the instant case the concerned workman Ram Charitar Nunia who was the Vice President of the local unit of the union at the relevant time has been found to lead the mob being in front thereof and has been found to assaulted Dr. Bakshi. Such being the position the punishment of dismissal as awarded by the management keeping in view the discipline in the administration and keeping in view the gravity of the offence, does not appear to be against the justice.

2. In the circumstances, this Tribunal does not find any justifiable reason to reduce the punishment of dismissal to any lesser punishment. The action of the management in dismissing the concerned workman Ram Charitar Nunia is therefore not unjustified. The concerned workman is not entitled to any relief.

This is my Award.

Dated, Calcutta,

The 20th September, 1989.,

SUKUMAR CHAKRAVARTY, Presiding Officer

[No. T-19012/11/84-DJV(B)/IR(C.II)]

R. K. GUPTA, Desk Officer

नई दिल्ली, 5 अक्टूबर, 1989

का. आ. 2745.—कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एवं व्यापार 1-11-89 को उम्मीदारी के रूप में नियत करती है, जिसको उस अधिनियम के अध्याय 4 (धारा 44 और 45 के मिलाय जो पहले ही प्रवृत्त की जा चकी है) और अध्याय 5 और 6 (धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के मिलाय जो पहले ही प्रवृत्त की जा चकी है) के उपबन्ध तमின்னாடு राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात् :—

“जिला और ताल्लुक कोइंबांटुर में राजस्व ग्राम सोमायाय-सपालायम के अन्तर्गत आने वाले क्षेत्र”

[संख्या एस-38013/26/89-एमपस-1]

New Delhi, the 6th October, 1989

S.O. 2745.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st November, 1989 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already brought into force) and Chapter V and VI (except sub-section (1) of section 76 and 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Tamil Nadu namely :—

“Area comprising the revenue village of Somayampalayam in Taluk and District Coimbatore.”

[No. S-38013/26/89-SS.I]

का. आ. 2746.—कर्मचारी गज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 1 को उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार एन्टद्वारा 16-10-89 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के मिलाय जो पहले ही प्रवृत्त की जा चकी है) और अध्याय 5 और 6 (धारा 76 को उपधारा (1) और धारा 77, 78, 79 और 81 के मिलाय जो पहले ही प्रवृत्त की जा चकी है) के उपबन्ध जम्मू तथा कश्मीर राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात् :—

कश्मीर क्षेत्र

क्रम सं.	क्षेत्र	हृष्करण संख्या
1.	श्रीनगर नगर की नगरपालिका सीमाएँ	—
2.	श्रीनगर कैट की नगरपालिका सीमाएँ	—
3.	ग्राम कानमोह	246
4.	रत्नप्रेष बुदगाम जिले में	284
5.	पम्पोर	105
6.	वाइन	98
7.	लेपोरा	92
8.	खरू	15
9.	यदगाम	6
जम्मू क्षेत्र :		
(1)	जम्मू	
1.	जम्मू नगर की नगरपालिका सीमाएँ	—
2.	जम्मू कैट की नगरपालिका सीमाएँ	—
3.	ग्राम मिटान साहिब (वन सुलतान)	37
4.	गुट्ठी	190
5.	गंगयाल	155
(2)	परी-बहसना	
1.	बेरपुर	208
2.	मैन सरकार	206
3.	मैन चरकान	205
4.	बसी खुर्द	220
5.	समीलपुर	201
6.	करथोली	203
7.	विणनाह	230
(3)	कठुआ	
1.	चाक राज	79
2.	चाक गाम सिह	70
3.	जगतपुर	62
4.	चाक खुनी	69

[सं. एस-38013/9/89-एस एस-I]
ए. के. बट्टाराई, अवर सचिव

S.O. 2746.—In exercise of the powers conferred by Sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 16th October, 1989 as the date on which the provisions of Chapter IV (except Section 44 and 35 which have already been brought into force) and Chapter V and VI (except sub-section (1) of Section 76 and sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Jammu and Kashmir namely :—

I. KASHMIR DIVISION

AREA	Had Bast No.
1. Municipal limits of Srinagar City	—
2. Municipal limits of Srinagar Cantt.	—
3. Village Khanmoh	246
4. Rangrath in Budgam District	284
5. Pampor	105
6. Wuyan	98
7. Lethpora	92
8. Khrew	15
9. Badgam	63

II. JAMMU DIVISIONS

(1) JAMMU	
1. Municipal limits of Jammu City	—
2. Cantonment limits of Jammu Cantt.	—
3. Village Mitan Sahib (Ban Sultan)	37
4. Muhi	190
5. Gangyal	155
(2) BARI-BRHAMANA	
1. Bergur	208
2. Main Sarkar	206
3. Mein Charkan	205
4. Besi Khurd	220
5. Samailpur	201
6. Kartholi	203
7. Bishnah	230
(3) KATHUA	
1. Chak Raju	79
2. Chak Ram Singh	70
3. Jagat pur	62
4. Chak Khuri	69

[No. S-38013/9/80-SS.I]

A.K. BHATTARAI, Under Secy.

नई दिल्ली, 9 अक्टूबर, 1989

का. आ. 2747.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (II) के उपखण्ड (VI) के उपबन्धों के प्रनुसार में भारत सरकार के थ्रम मंत्रालय की अधिसूचना संख्या का. आ. 930 दिनांक 31 मार्च, 1989 द्वारा प्रे-नियम उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 20 अप्रैल, 1989 में छह मास की कालावधि के लिए लोक उपयोगी सेवा धोषित किया था;

और केन्द्रीय सरकार की यह राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः, श्रव, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (३) के उपखण्ड (VI) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 20 अक्टूबर, 1989 से छह मास की ओर कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा.सं. प्र-11017/10/85-डी-1 (ग)]

नन्द लाल, श्रवर मन्त्रिव

New Delhi, the 9th October, 1989

S.O. 2747.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India, in the Ministry of Labour S.O. No. 930 dated the 31st March, 1989 the Uranium Industry to be a public utility service for the purposes of the said Act, for a period of six months, from the 20th April, 1989;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 20th October, 1989.

[No. S-11017/10/85-D.I(A)]
NAND LAL, Under Secy.

नई दिल्ली, 9 अक्टूबर, 1989

का.आ. 2748 :— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स भारत कोकिंग कोल लिमिटेड की गावलीटांड कॉलिन्यरी के प्रबन्धसंतंत में सम्बद्ध नियोजकों और उनके फर्मकारों के बीच, अन्वयं में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, (सं. 1), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

New Delhi, the 9th October, 1989

S.O. 2748.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. I), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Gazlitand Colliery of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I DHANBAD

On the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947).

Reference No. 122 of 1988

PARTIES :

Employers in relation to the Management of Gasliton Colliery.

AND

Their Workmen

PRESENT :

Shri S. K. Mitra, Presiding Officer,
2850 GI/89—8.

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri S. Bose, Secretary, Rashtriya Colliery Mazdoor Sangh.

STATE : Bihar.

INDUSTRY : Coal

Dated, the 18th September, 1989

AWARD

The present reference arises out of Order No. L-20012/107/88-D.3(A), dated the 25th August, 1989 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :

“Whether the demand of the Rashtriya Colliery Mazdoor Sangh, Dhanbad that Shri Niranjan Choube, Munshi of Gazlitand Colliery of Katras Area of M/s. Bharat Coking Coal Limited, Dhabad be sent to Appex Medical Board for assessment of age is justified ? If yes to what relief is the workman entitled ?

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the basis of terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under section 15 of the Industrial Disputes Act, 1947.

S. K. MITRA, Presiding Officer

[No. L-20012(107)/88-D.III(A)]IR(Coal-I)

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

Reference No. 122/88

Employers in relation to the Management of Gasliton Colly.

AND

Their Workmen

The Hon'ble petition on behalf of the parties to the above reference most respectfully shewth :—

1. That, the above dispute has been amicably settled between the parties on the following terms :—

TERMS OF SETTLEMENT :—

(a) That, the concerned workman Sri Niranjan Choubey will be sent to Appex Medical Board for assessment of his age with in a period of one month from the date of filing of the settlement before the Hon'ble Tribunal.

(b) That, the age determined by the Apex Medical Board will be final and binding on both parties and the concerned workman will not raise further dispute on the assessment of his age.

(c) That, the concerned workman will be reinstated on his original job without back wages in case he will be declared below the age of 60 years and will be allowed to continue in employment till he attains the age of 60 yrs.

(d) That, the continuity of service will be maintained for the purpose of payment of Gratuity.

(e) That, the concerned workman will not be entitled to any other benefit for the period from the date of his superannuation till the date of his resumption of duty.

2. That in view of the above settlement nothing remains to be adjudicated.

Under the facts and circumstances stated above the Hon'ble Tribunal will be graciously pleased to accept the settlement and be pleased to pass the Award in terms of the settlement.
FOR THE WORKMAN **FOR THE EMPLOYERS**

- | | |
|---------------------|---------------------|
| 1. Sd/- Illegible | 1. A. K. Srivastava |
| 2. Niranjan Choubey | 2. R. Mohan |
| | 3. P. Jha |

Part of the Award.

का. आ. 2749:- औद्योगिक विवाद अधिनियम, 1947
 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भैंसर्स टाटा आपरेट एण्ड स्टील कम्पनी लिमिटेड की सिजुआ कोलियरी के प्रबन्धतंत्र में सम्बद्ध लियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (भ. 2), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हआ था ।

S.O. 2749.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Sijua Colliery of M/s. Tata Iron and Steel Company and their workmen, which was received by the Central Government.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL (NO. 2) AT DHANBAD**

Reference No. 14 of 1988

In the matter of an industrial dispute under Section 10
(1)(d) of the I. D. Act, 1947.

PARTIES :

Employers in relation to the management of Sijua
Colliery of Messrs. Tata Iron and Steel Company
Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen : Shri B. N. Sharma, Joint General Secretary, Janta Mazdoor Sangh.

On behalf of the employers : Sbri S. S. Mukherjee, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 18th September, 1989

AWARD

The Govt. of India, Ministry of Labour and Rehabilitation in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 had referred the following dispute to the Central Government Industrial Tribunal So. 3, Dhanbad vide their Order No. L-20012(347)/83-D.III(A), dated the 14th February, 1984. Subsequently vide Ministry's Order No. S-11925/7/87-D. IV(B), dated, the 31st December, 1987 the said reference has been transferred to this Tribunal for adjudication.

SCHEDULE

"Whether the action of the management of Sijua Colliery of Messrs. Tata Iron & Steel Company Limited, Dhanbad in dismissing from service Shri Narain Mahto, Examiner is justified. If not, to what relief is the said workman entitled?"

The case of the workmen is that the concerned workman Shri Narain Mahato was employed as a piece rated miner in Sijua colliery of M/s. Tisco. Ltd. with effect from 30-5-77. During the course of performance of his duties he met with an accident on 23-2-80 resulting in serious injury to his eye and leg. He was treated in the hospitals

of Tisco. When the doctors of the management could not cure the concerned workman, he got himself treated by an eminent eye specialist Dr. B. N. Singh of Dhanbad. While the concerned workman was under the treatment of Dr. B. N. Singh, the management issued a chargesheet to him on the allegation that the concerned workman was absenting from his duties without leave and permission. The management held exparte enquiry against the concerned workman and dismissed him from service with effect from 15-1-81. The concerned workman had refuted the allegations of long absence and had submitted the explanation but the management without holding any proper enquiry and establishing the charge by legal evidence dismissed him from service. The action of the management was an act of victimisation. The reason behind the dismissal of the concerned workman is that a ropeway of Tisco's ABC passed through the land of the concerned workman in village Chirudih and had damaged the cultivation of the land and for that the concerned workman protested and demanded compensation and due to that the concerned workman has been dismissed from service. Neither the chargesheet nor the notice of enquiry was served on the concerned workman. The concerned workman was not given any opportunity to defend his case as the enquiry was not held in his presence.

After the dismissal of the concerned workman from his services, he submitted his case before the Group Grievance Committee of Tisco on 22-2-81. The Group Grievance Committee of Tisco, agreed to reinstate the concerned workman on the following terms :—

- (1) That the concerned workman will be taken back as Miner and that he will continue to work as a Miner atleast for 5 years.
 - (2) That on satisfactory conduct and service, he will be given continuity of service after a year;
 - (3) That he will be reinstated on his original job of a miner subject to the medical fitness.

The management alleged that the concerned workman accepted the above terms and conditions and accordingly he was referred to the Medical Board which examined him on 14-4-82 and found him unfit for the job of a miner and that thereafter he was not engaged as a Miner of Sijua Colliery. The 3 conditions were imposed in a calculated and pre-determined manner to perpetuate of the dismissal of the concerned workman. The decision of the Grievance committee was maliciously planned out of grudge illwill and due to the land dispute. The conditional reinstatement of the concerned workman was only a show with him who had lost his vision of one eye while rendering his service. The action of the management in dismissing the concerned workman from service has been effected in gross contravention of the certified standing orders. On the above facts it is prayed that his order of dismissal be set aside and the management be directed to reinstate him in service with full back wages and other benefits from the date of his dismissal.

The case of the management is that the concerned workman while working as a Miner in Sijua colliery had sustained injury on 23-2-80 and he was given proper treatment. Thereafter he was examined by the medical board on 9-4-80 and the said medical board on examination found him fit for original job of a miner. The concerned workman reported for his duty on 15-4-80 and requested for giving him light job for a few days. Accordingly, the concerned workman was given light job. With effect from 22-8-80 the concerned workman stated absenting from duty without permission or authorised leave. He was issued with a chargesheet dated 25-10-80[6-11-80] which was sent to his home address. The concerned workman did not reply to the said chargesheet. Then another letter dated 10/21-11-80, was issued to him informing that no explanation to the chargesheet has been received from him and he was directed to appear on 15-12-80 before the enquiry officer.

The notice of the chargesheet was also published in the local "Khan Mazdoor" notifying the date of the departmental enquiry. In the meantime an application dated 14-11-80 for sick leave for indefinite period was received from the concerned workman to which reply dated 6-12-80 was sent to him informing that the leave prayer

not been granted and he was advised to join his duty within 3 days. The concerned workman did not send any information or reply and did not attend the departmental enquiry on the date fixed and as such the enquiry was held in his absence. The charge of misconduct of absence without leave for long period was satisfactorily established against the concerned workman in the departmental enquiry. Thereafter he was dismissed from service with effect from 15-1-81 vide letter dated 8-1-81. The departmental enquiry was conducted in a fair and proper manner after observing the principles of natural justice. The concerned workman submitted his grievance before the grievance machinery on 28-8-81. The said grievance committee consists of management and workmen's representative to look into the grievances of the workman. The said group joint grievance committee agreed to reinstate the concerned workman on the terms that he will be taken back as miner and that he was to continue to work as a minor atleast for 5 years and will be given continuity of service after a year on satisfactory conduct and service and also that he will be reinstated in his original job of a miner subject to the medical fitness. The concerned workman accepted the above terms and conditions and accordingly he was referred to the medical board which found him unfit for the job of a miner on 14-4-82. The concerned workman was therefore not engaged as a miner. The grievance of the concerned workman was further discussed in the Central Joint Grievance Committee on 26-11-82 where the members consisting of employers and employees amicably agreed that in view of the medical board's opinion there is no merit in the case since he was unfit for the job of a miner. On the above facts it is submitted on behalf of the management that the dismissal of the concerned workman with effect from 15-1-81 is justified and he is not entitled to any relief.

As the concerned workman had been dismissed from service after holding a departmental enquiry into the charges levelled against him, the management had prayed that it may first be decided as a preliminary issue whether the departmental enquiry conducted against the concerned workman was fair, proper and in accordance with the principles of natural justice so that in case the enquiry is held not to be fair and proper the management may adduce fresh evidence before this Tribunal to establish the charge against the concerned workman. The workmen in the W.S. had challenged the fairness and propriety of the domestic enquiry and as such it was decided that the preliminary issue whether the domestic enquiry held against the concerned workman was fair, proper and in accordance with the principles of natural justice should be decided as a preliminary issue. Accordingly the said preliminary issue was heard by my predecessor-in-office Shri J. N. Singh, Presiding Officer, Central Govt. Industrial Tribunal No. 3, Dhanbad and after going through the evidence adduced by the parties in the case, passed an order vide order dated 11-12-84 holding that the enquiry was not fair and proper and directed the management to adduce fresh evidence in proof of the charge framed against the concerned workman.

Now the point to be decided in this case are (1) whether the dismissal of the concerned workman from service is justified and (2) whether the punishment of dismissal from service was justified in the facts and circumstances of the case.

The management examined three witnesses and the workmen also examined 3 witnesses in proof of their respective case. The documents of the management are marked Ext. Ext. M-1 to M-11 and the documents of the workmen are marked Ext. W-1 to W-8.

Point No. 1 and 2

Point No. 1 and 2 are inter connected and so they are taken up together.

Ext. M-1 dated 6-11-80 is chargesheet against the concerned workman which shows that he was charged for misconduct of absenting from duty without permission and satisfactory cause with effect from 22-8-80 till the date of the chargesheet. MW-1 is the concerned workman who

has stated that he got himself treated by a private doctor, namely, Dr. B. N. Singh, an Eye specialist and continued in his treatment from 5-7-80 till January, 1981. He has further stated that the management had issued a chargesheet against him and he gave his explanation to the said chargesheet and the said explanation of his is marked Ext. W-1 which he had sent along with the Medical certificate of Dr. B. N. Singh dated 13-11-80. There is no specific statement of the concerned workman that he had sent any application for leave either before he started absenting from 22-8-80 or that he filed an application for leave soon after he started absenting from his duty. Ext. W-1 to which the concerned workman has referred in his deposition is dated 14-11-80 and it appears that the management had dealt with the said application on 22-11-80. The medical certificate granted by Dr. B. N. Singh attached with his application Ext. M-1 is dated 13-11-80 shows that he was under the treatment of Dr. B. N. Singh from 5-7-1980. It is clear therefore that although the concerned workman had absented with effect from 22-8-80 he had not filed any application for leave prior to 14-11-80. MW-1 Anandi Pd. Dosandhi is the Miner's record Clerk of M/s. Tisco of Sijua colliery since 1962 and maintains the service record of the workman and makes leave and sick posting. He has stated that he had prepared Ext. M-5 dated 23-10-80 which is an abstract of absence of the concerned workman from 22-8-80 to 23-10-80. Ext. W-3 is a photo copy dated 4/10-11-80 sent to the concerned workman by the Manager, Sijua colliery in reply to the undated application of the concerned workman for sick leave from 22-8-80. It further appears from Ext. W-3 that the out station sick was not granted as the concerned workman had not submitted any medical certificate and the concerned workman was advised to join his duties within 3 days from the date of receipt of the letter. No copy of the original letter sent by the concerned workman to the Manager, Sijua colliery has been filed to show as to when the concerned workman had first sent his application for leave. Even if any letter had been sent by the concerned workman the same was rejected and the concerned workman had been asked to join within 3 days of the receipt of the letter. On the above evidence it appears that the concerned workman had absented without leave and without permission for over 10 days.

The concerned workman has tried to explain vide Ext. W-1 and the medical certificate of Dr. B. N. Singh that as he was under the treatment of Dr. B. N. Singh from 5-7-80 and unless the said doctor gave him a fit certificate he was unable to join his duties. The said certificate of the doctor does not show that the concerned workman was advised to take rest nor the doctor had given any period which would take for the recovery of the concerned workman from his eye trouble. Merely because the concerned workman was under the treatment of Dr. B. N. Singh would not be a satisfactory explanation to show as to why he did not apply for leave before proceeding on leave or as to why he did not make any application for leave soon after he started absenting from his duty. In my opinion the explanation tried to be given by the concerned workman for absenting without leave is not at all satisfactory. I hold therefore that the concerned workman had absented without leave or permission for over 10 days and he has not been able to explain satisfactorily the reason as to why he did not apply earlier or that he was unable to attend his duties. The management therefore appears to have established the charge of misconduct under clause 19(16) of the Certified Standing Orders of the management.

It will appear from the evidence of MW-1 that the concerned workman had met with an accident while working in the mine in which the concerned workman had received injuries in his eyes and that he was admitted for treatment in Jamadoba Central Hospital of Tisco and that after treatment he was declared medically fit to work in the mine. MW-2 Shri A. K. Singh who is working as Agent in Sijua colliery has stated that the concerned workman was treated in the Central Hospital at Jamadoba by the eye specialist as he had received injuries in his eyes and that after his treatment the concerned workman had been examined by the medical board and was found fit to work by the Medical Board. Ext. M-6 is the Medical Report dated 9-4-80. It further shows that the eye sight in the left eye was 6/18

and in the right eye it was 6/6 without glass. It appears that there was some defective left eye vision of the concerned workman but even then he was found fit for the original job of a miner. Dr. H. N. Kanchan who was one of the 3 members of the Medical Board has deposed before me as MW-3 and has proved the Medical Board Report Ext. M-6. MW-2 has stated that when the concerned workman reported for duty after he was declared fit by the medical board, he was given light job in the ropeways on his request and that he worked there for about 3 to 4 months and thereafter the concerned workman started absenting for which the concerned workman was charge-sheeted and after conducting a domestic enquiry was dismissed from service. The W.S. of the workmen shows that after the dismissal of the concerned workman from his service the concerned workman submitted his case before the grievance committee of Tisco on 22-2-81 and that the Grievance committee agreed to reinstate the concerned workman on some terms stated therein. MW-2 has stated that there is a Group Grievance Committee in the company which is constituted of equal number of representatives of the management and the workmen of which MW-2 was the Chairman. The minutes of the said Group Joint Grievance Committee is Ext. M-8 in this case. Ext. M-8 will show that the said committee decided that the concerned workman was to be reinstated on the condition that he will be taken back as a miner and he will continue to work as a miner for a period of 5 years and that his services will be watched for a period of one year and if his performance and conduct are found satisfactory during the said period he should be given continuity of service, otherwise not and further that the concerned workman will have to undergo a medical examination and his reinstatement will be done subject to medical fitness. MW-2 has stated that according to the said minutes Ext. M-8, the concerned workman was sent to the Medical Board for his examination. Ext. M-9 dated 14-4-82 is the medical board report bearing the signature of the three doctors of which Dr. H. S. Kanchan, Eye Specialist has been examined in this case as MW-3. Ext. M-9 will show that the concerned workman was sent to the medical board for fitness for the job of miner due to macular degeneration of left eye. The Board was of the opinion that the vision of the concerned workman would not improve with glasses and that he was unfit for the job of a miner. From the examination of the concerned workman by the Medical Board in Ext. M-9 it will appear that the vision of the left eye was 6/60 and vision of the right eye was 6/6 with glasses. M-3 Dr. Kanchan has stated that on 14-4-82 the concerned workman Narain Mahato was examined by the Medical Board consisting of the same 3 members who constituted the medical board which had given opinion in Ext. M-6. MW-3 has stated that on examination of the left eye of the concerned workman it was found to be 6/60 and the right eye 6/6 without glass. He also stated that on pin hole test he found that the vision of the concerned workman had not improved and would not like to improve with glasses. He also found macular degeneration of the left eye of the concerned workman. He has stated that in the opinion of the medical board the concerned workman was unfit to work as a Miner. There is nothing in his cross-examination to show that the report of the medical board was wrong or tainted.

In order to circumvent the opinion of the medical board report given in Ext. M-9, workmen examined one Doctor Krishna Bhushan Nath. He was comparatively new doctor having diploma in ophthalmology. He has stated that he had examined the concerned workman on 10-11-88 i.e. long after the present reference was made to this Tribunal and it appears that the concerned workman has got himself examined for the purpose of this case. This doctor WW-3 has stated that he had kept the concerned workman in his observation and had treated him. Ext. W-6 and W-7 are the prescriptions issued by the doctor WW-3 to the concerned workman. Ext. W-8 dated 6-2-89 is the certificate granted by him to the concerned workman, WW-3. In Ext. W-8 has certified that the concerned workman was under his treatment and that the vision of his eyes improved being 6/6 in both the eyes. He also found no abnormalities in the eyes of the concerned workman and he recommended that the concerned workman was fit to resume his normal duties.

With reference to the evidence of MW-2 and the minutes of the Group Grievance Committee Ext. M-8 it will appear that the management had itself given up its stand to dismiss the concerned workman on the ground of his long absence and it appears that in accordance with the decision of the Group Grievance Committee the concerned workman was again referred to the Medical Board whether he was fit to work as a miner and as the Medical Board found that the concerned workman was not fit for the post of Miner, the concerned workman was not given employment in terms of the conditions of the Group Grievance Committee. It cannot therefore now be said that the concerned workman had been dismissed for absenting himself without leave. On the contrary the management had agreed to take the concerned workman in service as a miner if he was found fit to work as a Miner by the Medical Board and it was on the opinion of the Medical Board that the concerned workman was not fit to work as a Miner and the management did not give him employment. Ext. M-11 is the minutes of the Central Joint Grievance Committee meeting held on 26-11-82 which considered the case of the concerned workman and on consideration held that there was no merit in the case as he had absented unauthorisedly from duty and had been declared medical unfit by the Medical Board. From the evidence discussed above it has emerged that the concerned workman had received injuries in his left eye while he was on duty for which the concerned workman was medically treated in the hospitals of the management and it appears that the vision of the left eye of the concerned workman had not been normal even after the treatment in the hospitals of the management. It will further appear that the concerned workman after being found fit to do his original job of miner, he was allowed to work on light job for about 3 to 4 months on his request. But as it appears from the evidence that the concerned workman had not been completely cured of the eye trouble, he got himself treated by an eminent eye Surgeon Dr. B. N. Singh of Dhanbad. The concerned workman had been examined by the second medical Board on 14-4-82 after the concerned workman had got himself treated by Dr. B. N. Singh. The Medical Board in their report Ext. M-9 not only reported that the concerned workman was sent to the Medical Board for fitness for the job of miner due to macular degeneration of left eye and the medical board found him unfit for the job of miner. The medical board nowhere stated that the concerned workman was unfit for jobs other than miner. The managements therefore should have considered whether the concerned workman could be provided with an alternative job with the defect of eye as found by the medical board in Ext. M-9. The management did not consider this aspect of the matter and in a routine manner without considering the past service of the concerned workman refused to give him any employment. Now-a-days it is the Govt. policy to give employment even to a physically handicapped person. The concerned workman had sustained injuries in his left eye during his employment with the management and one of his vision of the right eye was in order and as such even if taking that the concerned workman had given of only one eye he should have been sympathetically treated even as a handicapped person to give him employment in any alternative job in which the concerned workman could work with the normal vision in one eye.

About 7 years have passed since the concerned workman was examined last by the Medical Board. No doubt the concerned workman had given the certificate of WW-3 to show that he was fit with vision of both the eyes being normal. I think before the concerned workman can be given employment by the management, he has to be examined again by the Medical Board to see whether he was fit now to work as a miner or even if he was not fit to work as a miner whether he was fit to do other jobs in the colliery. It would therefore be proper that the management should send the concerned workman for his examination to the Medical Board to see whether he was fit for any job in the colliery. In order to obviate any doubt on the part of the concerned workman, I would like that the management should constitute a medical board in which the three doctors who constituted the medical board in Ext. W-6 and W-9 are not member and that the medical board should constitute of doctors other than those 3. By this I do not mean any disbelief in the doctors integrity who had constituted the medical board to examine the concerned workman earlier but I want to change the medical board so that the concerned workman may not have the least of doubt in his mind about the doctors constituting the medical board to examine him.

In the result, I hold that although the action of the management of Sijua colliery of M/s. Tisco, in dismissing the concerned workman from service as ex-miner is justified but it will appear from the subsequent event which I have discussed above that the management itself had given up the idea of dismissing the concerned workman on the basis of his absenting without permission and dismissed him on the ground that he was not found fit to work as a miner by the Medical Board due to his defective left eye vision. I further hold that as the management had agreed to give employment to the concerned workman giving up their claim for his dismissal on the ground of his absenting without leave and the doctor found the concerned workman unfit for the job of a miner, the management should constitute the medical board as directed above to examine the concerned workman whether he was fit for any job in its colliery. The management is directed to constitute a medical board within a month from the date of publication of the Award after giving proper notice to the concerned workman and if he is found fit for any light job in the colliery, the concerned workman should be given employment forthwith. However, in the circumstances of the case the concerned workman will not be entitled to any back wages but he will get the advantage of his continuous service if he is found fit for any job in the colliery.

This is my Award.

I. N. SINHA, Presiding Officer
[No. L-20012(347)/83-D.III(A)[IR(Coal-I)]

नई दिल्ली, 11 अक्टूबर, 1989

का.आ. 2750 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स टाटा आयरन एण्ड स्टील कं. लि. की बेस्ट बोकारों कोलियरी के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, (सं. 2), धनवाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

New Delhi, the 11th October, 1989

S.O. 2750.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of West Bokaro Colliery of M/s. Tata Iron and Steel Company Ltd. and their workmen, which was received by the Central Government.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

Reference No. 40 of 1988

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act., 1947.

PARTIES :

Employers in relation to the management of West Bokaro Colliery of M/s. Tisco. Ltd., and their workmen.

APPEARANCES :

On behalf of the workmen—Shri J. P. Singh, Advocate.
On behalf of the employers—Shri B. Joshi, Advocate.
State : Bihar. Industry : Coal.

Dhanbad, the 8th September, 1989

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012(101) 87-D.IV(B), dated the 16th [31-12-87].

SCHEDULE

“Whether the action of the Management of West Bokaro Colliery of M/s. Tisco. Ltd., P.O. Ghatotkach, Distt. Hazaribagh in denying employment to Sri Md. Habib in place of his father Md. Qayum who has disabled while on duty and discharged by the Management from his services, is legal and justified? If not, to what relief Sri Md. Habib is entitled?”

The case of the concerned workman Shri Md. Habib is that his father Md. Qayum was working as Pump Khalasi in West Bokaro Colliery of M/s. Tisco. Ltd. On 24-9-78 while on duty Md. Qayum suddenly fell ill and was removed to West Bokaro Colliery hospital of the management. Hospital authority referred his case to Tata Main Hospital, Jamshedpur where he was admitted and given specialised treatment. Subsequently he was again sent back to the West Bokaro Colliery hospital for further treatment. With effect from 2-2-79 Md. Qayum was discharged from the service vide letter dated 12-7-79. Md. Qayum had already completed 29 years of service when his services were terminated by the management after he was declared unfit by the medical Board constituted by the management. On the basis of the circular of the management on the subject of employment of dependents, the first son of Md. Qayum was appointed in West Bokaro colliery on completion of 20 years of service. Under the said circular another dependent could be appointed if Md. Qayum had completed 30 years of service under the management. Md. Qayum died in 1984 after about 5 years of his discharge from service of West Bokaro colliery. The action of the management in discharging Md. Qayum from service on medical ground before completion of 30 years of his service was due to the callous attitude of the management towards him and it was a glaring instance of unfair labour practice.

After termination of the services, Md. Qayum filed 2 representation for employment of Md. Habib as his dependent son but both his representations were turned down on the ground that he had no right to get second dependent employed on the basis of the length of his service. The management should have considered that the illness of Md. Qayum was most likely due to the working condition generally obtainable in the colliery. After the death of Md. Qayum his widow and his son have absolutely no means to support their family. NGWA-II and III are applicable to all coal industries which enjoins upon all the colliery management to provide employment to one dependent of an employee who dies in service or is incapacitated while performing his duties. Md. Qayum was a victim of a serious illness while he was doing his duties. As such it was a good ground for Md. Qayum to get his second son employed on the ground that he was physically incapacitated while doing his duties. The management had ignored the provision of NCWA-II and III. On the above facts it is prayed that the management should give employment to Md. Habib the second son of deceased Md. Qayum.

The case of the management is that the present reference has been made under Section 2(a) of the I.D. Act 1947, the dispute being between the management and Md. Habib the concerned person. As the present dispute is not arising out of dismissal, discharging termination or retrenchment of the concerned person the present dispute and the demand for employment cannot be deemed to be industrial dispute under Section 2(a) of the I.D. Act. In pursuance of several discussions with RCMS, the recognised union, the management has formulated recruitment policy for the employment of the dependents of the employees and the said recruitment policy has been found to be more favourable than NCWAs. As per the employment scheme of dependents, each and every employee is entitled to get one of his dependent enrolled for employment after completion of 15 years of service and as soon as vacancy exists such dependent is provided with employment. It also provides that in case of any dependent so registered is not provided with job for want of vacancy or for any other reason he has to be provided with a job after completion of 20 years of service of the employee provided he would have completed 30 years or more service had he worked till the age of 60 years if he becomes medically unfit or resigns on medical ground. The concerned person Md. Habib is claiming for his employment as second dependent son of Md. Qayum on wrong premises. Had Md. Qayum completed 40 years of service then only the concerned per-

son could have claimed for his employment as second dependent. The concerned person has no right of any kind to claim for employment as dependent of Md. Qayum. Md. Qayum, father of the concerned person, was appointed on 26th June, 1950 and after completion of 50 years of service he got the name of his eldest son Md. Hamid registered for employment under the company. Md. Hamid was appointed as piece rated Mazdoor on 22-5-74 and presently he is working as Helper Grade-II. Md. Qayum was discharged from his service on account of his medical unfitness with effect from 2-2-79 and subsequently he died. Under NCWA-II or NCWA-III a dependent is provided with employment after an employee becomes medically invalid to perform his original job whereas under the employment scheme of the management after completion of 15 years of service a dependent may be employed whether the employee is medically fit or unfit subject to availability of vacancy. In the present case one of the dependent of the employee Md. Qayum was already in employment before he was declared medically unfit. Thus the scheme of the management was more favourable than NCWA-II and III when considered as a whole. On the above facts it is submitted that the concerned person is not entitled to any relief.

The point for decision in the case is whether Md. Habib is entitled to employment in place of his father Md. Qayum who was disabled while on duty and discharged by the management from his service.

The management has examined on witness and the workman himself examined as WW-1 in this case. The documents of the management have been marked Ext. M-1 to M-8. No document has been exhibited on behalf of the concerned workman.

It is the admitted case of the parties that Md. Qayum was the father of the concerned person Md. Habib. It is also admitted that Md. Qayum became sick and remained under the medical treatment in the hospital of the management and that he was declared unfit by the medical board and upon that ground Md. Qayum was discharged from service with effect from 2-2-1979. Ext. M-1 dated 2-2-79 is the medical report of Md. Qayum by which he was declared unfit for duty due to the cause mentioned in the special remark column of the report. Ext. M-2 dated 12/14-2-79 is a letter of discharge of Md. Qayum from service. It shows that Md. Qayum was declared unfit for work by the medical board held on 2-2-79 and therefore he was discharged from the company's service with effect from 2-2-79. It is clear therefore that Md. Qayum was discharged from service of the management as he was declared medically unfit by the medical board. It is also the admitted case of the parties that Md. Hamid, eldest son of Md. Qayum was employed on the length of his service. Ext. M-3 dated 20-2-79 and Ext. M-4 dt. 15-7-89 are the two representations made by Md. Qayum prior to his death which also admit the position that his son Md. Hamid was employed on the length of his service. In para 6 of the W.S. of the concerned workman it is stated that on the circular of the management on the subject of employment of the dependent the first son of Md. Qayum was appointed in West Bokaro colliery on completion of 20 years of service of Md. Qayum. It is further stated in this very paragraph that under the same circular another dependent could be appointed if Md. Qayum had completed 30 years of service. It will thus appear that the eldest son of Md. Qayum had been given employment as dependent of Md. Qayum on the length of his service and it appears that the concerned workman is claiming his employment on the basis of the said circular which provides employment of another son of an employee when he completes 30 years of service. Ext. M-6 dated 19/20-11-83 is the circular of the management regarding employment of dependents on the length of service. It will appear from para-1 of the said circular that an employee can register the name of his dependent provided he has put in a minimum continuous service of 15 years and above. Para 6 of the circular will show that an employee who completes 40 years of service shall be entitled outright employment to his second dependent as General Mazdoor Cat. I on the strength of his service. The eldest son of Md. Qayum has been given employment vide this circular Ext. M-6 after Md. Qayum had completed more than 15 years of his service. Under the said circular the second dependent of an employee

is due for employment when the employee has completed 40 years of service. It will appear from the W.S. of the concerned workman that his father had completed about 29 years of service at the time he was discharged from service. Thus it is clear that Md. Qayum, the employee, had not completed 40 years of service so that he could claim for employment of his second dependent. WW-1 is the concerned workman Md. Habib son of late Md. Qayum. He has admitted that his elder brother Md. Hamid was appointed on the ground of being dependent son when his father had completed 15 years of service and that Md. Hamid is still working in West Bokaro colliery. MW-1 Shri A. K. Sinha is working as Asstt. Chief Personnel Manager in West Bodaro colliery. He has stated that an employee who completes 40 years of service can claim employment for his second dependent. As discussed above it will appear that the concerned workman cannot claim the benefit of para-6 of the circular Ext. M-6 for his appointment as dependent son of late Md. Qayum as Md. Qayum had not completed 40 years of service at the time he was discharged from service and the eldest son of Md. Qayum had already been given employment vide para-1 of the circular Ext. M-6.

It appears from the evidence of the concerned workman WW-1 in his cross-examination that he is claiming his employment on the basis of the fact that his father died while on duty and as such he claims that the employment should be provided to him. Admittedly Md. Qayum was discharged from service with effect from 2-2-79 as will appear from Ext. M-2. In para-6 of the W.S. of the concerned workman it is stated that Md. Qayum died in 1984 i.e. about 5 years after Md. Qayum was discharged from service of West Bokaro colliery. The concerned person WW-1 has stated in his evidence that his father died in 1984 because of paralysis. It is thus clear that Md. Qayum had not died while he was in service and admittedly he died 5 years after his discharge from service on medical ground. The concerned person, therefore, cannot claim his employment on the basis of the fact that his father died while on duty.

Clause 10.4.1 to 10.4.3 of NCWA-II is equivalent to clause 9.4.1 to 9.4.3 of NCWA-III which deals with the provision of employment to dependents. So far Clause 9.4.1 of NCWA-III and clause 10.4.1 of NCWA-II in concerned it provides that employment would be provided to one dependent of workers disabled permanently and those who meet with death while in service. So far this clause is concerned the management of Tisco, has implemented it. Clause 9.4.3 of NCWA-III which is equivalent to 10.4.3 NCWA-II relates to the provision for employment to one dependent of a worker who is permanently disabled in his place. It provides that disablement of the worker concerned who arise from injury or disease be of a permanent nature resulting into loss of employment and it should be so certified by the Coal Co. concerned. Clause 9.4.4 of NCWA-III provides that one dependent of the retiring employee would be provided employment but in case of Tisco, the same would be subject to their existing practice. This clause of NCWA-III was an improvement on the right of the dependent upon the provision in clause 10.4.4. of NCWA-II where it only provided preference in the employment to be given to the dependent of the retiring employee. MW-1 has stated that if employment is given to the dependent of an employee and thereafter the employee is disabled his dependent cannot be provided with a job on the ground of being a dependent of a disabled employee. He further stated that the procedure for giving employment to the dependent of an employee was finalised in consultation with the union and the said procedure of the management is more favourable to the employees than the provision provided in JBCCI. He has stated in his cross-examination that an agreement between the union and the management of Tisco, had taken place prior to NCWA-III in respect of giving employment to the dependents of the employee and thereafter no further agreement was arrived between the union and the management.

The management has filed an Award Ext. M-5 dated 31-7-85 passed in Ref. No. 88 of 1984 by this Tribunal in which the question for decision was whether the dependent son of an employee is entitled to be employed by the management in terms of para 9.4.3 of NCWA-III. The matter was discussed at great length after going through various documents including the minutes of discussion between the RCMS and

the management and the meeting of the secretaries of all the branches of Tisco collieries which unanimously decided that the existing employment rules of the company were more favourable and to continue to be enforced. The representative union, i.e. RCMS, decided to opt for the company's scheme in preference to para 9.4.3 of NCWA-III. Shri Dasgupta, Vice President of the Union indicated in writing that the existing procedure of the company were more beneficial than the provision laid down in NCWA-II or III and hence he wanted that the existing procedure of the company should continue to be enforced. The said Award is binding on the management and the workmen of Tisco and as the provision of employment of dependent of the employees is more favourable than the benefits given in NCWA-II and III the concerned workman cannot claim the benefit under clause 9.4.3(1) of NCWA-III when the eldest son of Md. Qayum had taken advantage of the circular of the management and got employment after Md. Qayum completed 15 years of service. In my opinion the company's circular Ext. M-6 is more advantageous for the workmen than the provision for giving employment to the dependents of an employee under NCWA-III after an employee becomes medically invalid to perform his job whereas under the employment scheme of the management a dependent may be employed after the employee completes 15 years of service whether the employee is medically fit or unfit. Moreover, the employee if he completes 40 years of service gets the advantages of employment of his another dependent on the length of his 40 years of his service. We are aware that the provision under clause 9.4.4 of NCWA-III for giving employment to one dependent of the retiring employee has not been implemented in any of the collieries but the management of Tisco has provided employment to one dependent of an employee on completion of 15 years of service and employment of another dependent on completion of 40 years of service. The discussion made above will show that the concerned workman is not entitled to employment under clause 9.4.3 of NCWA-III.

In the result, I hold that the action of the management of West Bokaro Colliery of M/s. Tisco. Ltd. in denying employment to the concerned person Md. Habib in place of his father Md. Qayum who was discharged from service on the ground of disablement is justified and consequently the concerned person is entitled to no relief.

This is my Award.

I. N. SINHA, Presiding Officer
[No. L-24012(101)/87-D.IV(B)/IR (Coal-1)]

का.आ. 2751:-औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, एशिया आटो गैरेज लोदना क्षेत्र सं. 10, मैसर्स भारत कोकिंग कॉल लि. के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2) धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था ।

S.O. 2751.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Area Auto Garrage of Lodna Area No. X of M/s. B.C.C. Ltd. and their workmen, which was received by the Central Government.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 56 of 1988

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act., 1947.

PARTIES :

Employers in relation to the management of Area Auto Garage of Lodha Area No. X of M/s. BCC. Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen.—Shri S. S. Bhattacharjee Advocate, and Shri J. P. Singh, Advocate.

On behalf of the employers.—Shri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 6th September, 1989

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012(141)/87-D.IV(B), dated, the 5th February, 1988.

SCHEDULE

"Whether the action of the Management of Area Auto Garage of Lodna Area No. X of M/s. BCC, Ltd. P. O. Khasjeenagora, Distt. Dhanbad in dismissing S/Shri Tahir Hussain and Ahmad Drivers from service, is justified ? If not, to what relief the concerned workmen are entitled ?"

The case of the management is that the concerned workmen S/Shri Hussain and Ahmed Mian were drivers of transporting vehicles of Area Auto Garrage of Lodna area of M/s. BCCL. On 7-2-86 during the second shift commencing at 4 P.M. and ending at 12 P.M. the concerned workmen were allotted with the duties of driving Tippers between the Coal depot of S.T.C. quarry and No. 9 siding of South Tisra colliery for the purpose of transporting of coal from the coal depot to the railway sidings from where coal is transported through railway wagon to different destinations. The concerned workmen Shri Tahir Hussain was put on duty on 7-2-85 in the second shift on Tipper No. BPR 2327 and the concerned workman Ahmed Mian was on duty on Tipper No. BHW-8754. During the said second shift of 7-2-86 Shri T. P. Banerjee, Superintending Engineer of the Area made surprise inspection of the transporting vehicles. He was accompanied by S/Shri A. N. Sinha, Foreman Incharge of Area Auto Garrage and Shri Bajrang Singh Filter-cum-Asstt. Foreman of the said garrage. At about 8.30 P. M. on 7-2-86 they observed that the two concerned workmen were committing acts of removing diesel oil from the tippers under their respective charges with intention to steal the diesel for their personnel gains and causing loss to the management. On 8-2-86 the concerned workmen were issued with chargesheet for commission of misconduct of "Theft, fraud or dishonesty" under clause 18(1)(a) of the Model Standing Orders applicable to the establishment on the allegation of removing the diesel oil from the tippers of the management on 7-2-85 at about 8.30 P. M. The chargesheeted concerned workmen submitted their replies to the charges denying the allegations levelled against them. Shri N. R. Viswakarma the then Sr. P. O. of Lodna Area was appointed as enquiry officer to conduct the enquiry into the charges levelled against the concerned workmen. The enquiry officer issued notice of enquiry dated 12/13-2-86 to the concerned workmen fixing the date of enquiry on 18-2-86 at 10.30 A. M. The enquiry was conducted on 18-2-86 and 19-2-86 in presence of the chargesheeted concerned workmen and their co-worker Shri Satyendra Singh, Clerk. The management examined three witnesses and exhibited 2 documents in the enquiry proceeding before the enquiry officer. The concerned workman was given full opportunity to cross-examine the management's witnesses, to produce their witnesses in defence, to give own statement and to file documents in support of their case. The enquiry was conducted in Hindi in accordance with the principles of natural justice. After completing the enquiry the enquiry officer submitted his enquiry report dated 1-3-86 holding the concerned workmen guilty of the charges of misconduct levelled against them. No extraneous matter was considered in arriving at the finding of guilt against the concerned workmen. Neither the con-

cerned workmen nor their co-worker objected to the manner of conducting the enquiry by the enquiry officer. They also did not raise any objection against the enquiry officer. The enquiry report, the enquiry proceeding and all other relevant papers were examined by the competent authorities and after taking approval for dismissal, the concerned workmen were dismissed from their service with effect from 6-3-86 vide letter dated 5/6-3-86. It is submitted on behalf of the management that the action taken by them in dismissing the concerned workmen from their service is legal, bona fide and in accordance with the provisions of the Model Standing Orders applicable to the establishment. According to the management the action of dismissal of the concerned workmen was justified and the workmen are not entitled to any relief.

The case of the workmen is that the 2 concerned workmen were permanent employees and were working since long with unblemished record of service. The management and officials of the area Auto Garage were biased and prejudiced against the concerned workmen. The concerned workmen were issued with chargesheet under S.O. 18(1)(a) of the Model Standing Orders alleging misconduct of theft, fraud or dishonesty in connection with the employers business or property and they were also placed under suspension. S.O. 18(1)(a) does not deal with any misconduct at all and as such the entire proceeding of the enquiry is vitiated. After the receipt of the charge sheet the workmen submitted reply denying the allegations levelled in the chargesheet. The management appointed an enquiry officer to conduct the enquiry without considering the reply of the concerned workmen. The enquiry officer was biased and prejudiced and he held a show of enquiry in which the concerned workmen were denied the principles of natural justice. The concerned workmen were not given ample opportunity to cross-examine the management's witnesses and to examine their own witness in defence. The report of the enquiry officer submitted to the General Manager was perverse and was not based on any evidence. It was based on conjectures and surmises. There was no evidence that the concerned workmen had committed theft as alleged in the chargesheet. In fact the management witnesses themselves stated in cross-examination that they did not see the concerned workmen removing diesel oil from the tippers. The inquiry officer did not apply his mind in submitting his report and the same is contrary to the evidence on record. The order of dismissal of the concerned workmen is illegal, arbitrary and malafide and as such the order of dismissal is liable to be quashed and the concerned workmen are entitled to be reinstated in service with full back wages and other consequential benefits. It is also submitted that the punishment awarded to the concerned workmen was excessive even if it be taken that the charge levelled against the concerned workmen has been fully established. On the above facts it is submitted that the order of dismissal of the concerned workmen be set aside and the concerned workmen be reinstated with full back wages from the date of their dismissal.

As the concerned workmen had been dismissed from service after holding the domestic enquiry into the charges, the management had prayed that it may first be decided as a preliminary issue whether the domestic enquiry held into the charges against the concerned workmen was fair, proper and in accordance with the principles of natural justice. The workmen also in the W.S. challenged the fairness and propriety of the domestic enquiry held against the concerned workmen. As such the Tribunal decided to first hear the parties on the preliminary issue whether the domestic enquiry held against the concerned workmen was fair, proper and in accordance with the principles of natural justice. After hearing the parties on the preliminary issue the Tribunal by its order dated 3-5-89 held that the enquiry held into the charges against the concerned workmen was fair, proper and in accordance with the principles of natural justice and thereafter fixed the case for hearing on merit on the basis of the materials already existing on the record of the domestic enquiry.

Now the points for decision are (1) whether the management was justified in dismissing the concerned workmen

from service. In this connection we have to examine whether the evidence on the record adduced before the enquiry officer in the domestic enquiry established the charge against the concerned workmen, (2) whether the punishment of dismissal imposed upon the concerned workmen is too harsh.

The management has produced all the relevant documents in connection with the domestic enquiry which are marked Ext. M-1 to M-13 in this case.

The management examined three witnesses in the domestic enquiry before the enquiry officer and produced the written reports of T. P. Banerjee and Shri Bajrang Singh which were marked Ext. 1 and Ext. II by the enquiry officer in the enquiry proceeding. The three witnesses examined before the Enquiry officer were MW-1 Shri A. N. Sinha, Foreman Incharge of Lodna Auto Garage, MW-2 Shri Bajrang Singh, Fitter-cum-Asstt. Foreman of Lodna Area Garage and MW-3 Shri T. P. Banerjee, Superintending Engineer incharge of Lodna Area Auto Garage. It will appear from their evidence that Shri T. P. Banerjee had taken along with him MW-1 Shri A. N. Sinha, and MW-2 Shri Bajrang Singh for surprise checking of the vehicle in the second shift of 7-2-86 in which admittedly the concerned workmen were working as Drivers of Tipper BPR-2327 and BHW 8754.

It will appear from the charges Ext. M-1 against Shri Ahmed Mian and Ext. M-2 against Tahir Hussain that they were caught red handed while they were committing theft of diesel oil from the Tipping trucks being driven by them on 7-2-86 in the second shift. On perusal of the evidence of 3 management's witnesses, namely, MW-1, MW-2 and MW-3 before the enquiry officer it will appear that none of the three witnesses had seen either of the two concerned workmen committing theft of the diesel from the tippers being driven by them. So far accused Ahmed Mian is concerned it will appear that he was the driver of Tipper No. BHW 8754 and after his tipper was checked there was no shortage of diesel detected from the Tipper driven by him. MW-1 Shri A. N. Sinha had admittedly accompanied Shri Banerjee at the time of surprise checking of the vehicles. He has stated that they found two tippers near bhatta of South Tisra colliery and the drivers of both the tippers were sitting in tipper BPR 2327 and the other tipper BHW 8754 was standing behind BPR 2327. He has further stated that Shri Banerjee got the diesel of the two tippers checked from Shri Bajrang Singh. He has stated that there was 40 litres of diesel in the tank of BPR 2327 when Tahir Hussain had driven the tippers from the Garage but on measurement 20 litres of diesel was found in the tank of BPR 2327. He has further stated that diesel of Tipper BHW 8754 was checked and there was some shortage of diesel in it. In cross-examination he has stated that he had issued 30 litres of diesel in Tipper BPR 2327 and there was 5 litres of diesel already in the said tipper and as such there was 35 litres of diesel in BPR 2327 when it started from the depot. He was further stated that he had issued 20 litres of diesel in BHW-8754 and there was already 15 litres of diesel in it and as such there was 35 litres of diesel in BHW 8754. He has also stated that he had not seen the 2 concerned workmen removing diesel from the tippers and he had seen both of them sitting in the Tipper MW-3 Shri T. P. Banerjee has clearly stated in his cross-examination that diesel in Tipper BHW 8754 was found to be in order on its checking. It is clear therefore from the evidence of MW-3 that on checking and measuring the diesel of BHW 8754 of which the concerned workman Ahmed Mian was a driver had not been removed and that there was no theft of diesel from the said tipper being driven by Ahmed Mian. MW-3 who was questioned in cross-examination that when there was no shortage of diesel in the tipper driven by Ahmed Mian why was he implicated for the theft of diesel from his tipper and to the said question MW-3 answered that as he had found the diesel tank of the tipper No. BHW 8754 wet, he charged Ahmed Mian also for the theft of diesel. It will appear from the evidence of MW-3 that there was no shortage of diesel in BHW 8754 and Ahmed Mian was charged for theft only because his diesel tank was found wet. This evi-

dence in itself is not enough to come to a finding that Ahmed Mian had committed theft of diesel either from his tipper or from the tipper BPR 2327. There is absolutely no evidence to show, as alleged in the chargesheet, that the concerned workman Ahmed Mian was caught red handed while he was committing theft of diesel from his tipping truck of BHW 8754.

Now remains the case of the other concerned workman Shri Tahir Hussain driver of Tipper Truck No. BPR 2327. Even in his case none of the three management's witness had seen him removing diesel oil from his Tipper BPR 2327. It has been calculated by the management witness regarding the diesel oil which was used in driving tipping truck BPR 2327. It will appear from the evidence that one litre of diesel covers a distance of 24 K.M. and on that basis it has been calculated that 4 trips each way from the coal depot to the siding will cover a distance of 20 K.M. and as such not more than 8 litres of diesel were used in the four trips. On checking the witness had found 20 litres of diesel in BPR 2327 and thus it has been calculated by the witness that about 10 litres of oil had been removed from the said depot. The driver of Tipper BPR 2327 Tahir Hussain has stated in his statement before the enquiry officer that he had made 2 trips from No. 2 Jairampur to No. 5 Jairampur Bhatta and thereafter he went to South Tisra colliery and from there he made trips from quarry stock to South Tisra No. 9 siding and had made five trips from quarry to the siding. The said statement of Tahir Hussain if believed would almost explain the shortage of the diesel in his tipper. The management has not examined any witness to show that Tahir Hussain had not made 2 trips from No. 4 Jairampur to No. 5 Jairampur Bhatta and that he had not made 5 trips from South Tisra quarry to the siding. In the absence of any evidence from the management to falsify the said statement of Tahir Hussain, it is not possible to come to a definite conclusion that Shri Tahir Hussain had committed theft of diesel from his tipping truck.

However, the evidence against the concerned workmen is based on circumstances. It is stated in the written report Ext. 2 of Shri Bajrang Singh that a pipe and a can filled with diesel was found which was deposited in the auto garrage. Shri Banerjee in his written report Ext. 1 has stated that the tipper driver of BPR 2327 and BHW 8754 were taking diesel in can which was kept in the jungle. In evidence it is stated that a pipe and can filled with diesel was found in the field near the place where the two trucks were found standing by the three witnesses and on this basis that the diesel oil was found in a can with a pipe it has been used to show that as there was shortage of diesel in the tipper being driven by Tahir Hussain it must be presumed that diesel was taken out with the help of the pipe from the tipper of Tahir Hussain and was collected in the can. Although it is stated that the can filled with diesel and the pipe was kept at the Lodna Auto Gurrage, the same was not produced before the Enquiry officer to establish that the can filled with diesel and a pipe was recovered from the place where the two trucks were found standing on the road at the time of checking. Moreover, there appears to be no reason as to why Tahir Hussain would keep the can and the pipe in the field when there were actually no person at that place. In the beginning Shri Banerjee and Shri Bajrang Singh had stated in their written report that the concerned workmen were caught red handed while committing theft of diesel from tipping trucks they have not supported their said case and now it appears from the evidence that the diesel was not found from the possession of any of the concerned workmen. In my opinion, the evidence that the concerned workman Tahir Hussain had committed theft of diesel from his tipping truck cannot be established specially in view of the fact that the management has not been able to establish that Tahir Hussain had not made 7 trips as stated by him in his statement before the enquiry officer. It is also not very certain that even if can with diesel and pipe was found in the field, it can be said for certain that the diesel in the can found in the field had been stolen or removed from the diesel tank of tipper BPR 2327. In my view of the matter I do not feel agreeing with the finding of the enquiry officer about the fact that the charge against the concerned workmen had been established to show that they had committed misconduct by committing theft of diesel oil from the tipping trucks.

In view of the facts, evidence and circumstances discussed above I hold that the charge against the concerned workman Shri Tahir Hussain also has not been established.

I, hold therefore that the charges against none of the two concerned workmen has been proved and established by any cogent evidence before the enquiry officer.

In the result, I hold that the action of the management of Tisra Auto Gurrage of Lodna area of M/s. BCCL in dismissing the concerned workmen S/Shri Tahir Hussain and Ahmed Mian drivers from service is not justified. Accordingly the order of dismissal of the concerned workmen is set aside and they are reinstated to their original post of driver from the date of their dismissal with all back wages and other consequential benefits. The management is directed to reinstate them and pay them the arrear of back wages and other consequential benefits within one month from the date of publication of the Award.

This is my Award.

J. N. SINHA, Presiding Officer
[No. L-24012(141)/87-D.IV(B)/IR(Coal-I)]

का.आ. 2752:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैरस भारत कोकिंग कॉल लिमिटेड की भूलनबाराशी कोलियरी का भोवरा क्षेत्र सं. 11 के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबन्ध में दिविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

S.O. 2752.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bhulanbaree Colliery Bhowra Area No. 11 M/s. B.C.C.I.Ltd. and their workmen, which was received by the Central Government.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD
PRESENT :

Reference No. 96 of 1987

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of Bhulanbaree Colliery Bhowra Area No. XI, M/s. Bharat Coking Coal Limited, P.O. Bhowra, Dist. Dhanbad and their workmen.

APPEARANCES :

On behalf of the workmen—Shri A. K. Mishra, Advocate.

On behalf of the employers—Shri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 2nd September, 1989

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012 (86)/86-D.-IV(B), dated, the 19th February, 1987.

SCHEDULE

"Whether the action of the Management in not employing Shri Raghunandan Tanti son-in-law of Shri Baldeo Tanti who expired while in service on 17-1-84 on the request made by his wife Smt. Kabia Tanti

is justified particularly when the son of late Baldeo Tanti is a minor ? If not, to what relief Smt. Kabiya Tantin is entitled ?"

The case of the workmen is that Shri Baldeo Tanti was working as Underground trammer in Bhulanbarree colliery under M/s. BCCL since long. He died on 17-1-84 leaving behind his widow Kabiya Tantin, minor children and one married daughter named Smt. Hema Devi wife of Shri Raghuandan Tanti who were all leaving along with Baldeo Tanti. According to the provision of NCWA-II the dependent/legal heir of an employee dying while in service is entitled to get employment in the colliery in place of the deceased employee. Kabiya Tantin prayed to the management to provide employment to her son-in-law Shri Raghuandan Tanti but he was not given employment. The action of the management in not providing employment to Shri Raghuandan Tanti son-in-law of deceased Baldeo is not justified and Shri Raghuandan Tanti being the son-in-law is received employment as a dependent of deceased Baldeo Tanti.

Subsequently after the filling of the W.S. in case on behalf of the workmen it so happened that Kamlesh Tanti son of Baldeo Tanti who was minor at the time of death of Baldeo Tanti became a major. It is now stated that as Kamlesh Tanti was minor employment was requested for the son-in-law Raghuandan Tanti but since no appointment was given to him and Kamlesh Tanti son of deceased has now become major employment is now demanded for Kamlesh Tanti and not for the employment of son-in-law Raghuandan Tanti.

The case of the management is that Smt. Kabiya Tantin is the second wife of late Baldeo Tanti. Late Baldeo Tanti had no issue from his first wife. Smt. Kabiya Tantin was already having a married daughter at the time of her marriage to Baldeo Tanti. Shri Kamlesh Tantin is the only son of Baldeo Tanti through Kabiya Tantin. As per provision of clause 9.4.2 of NCWA-III the dependents to be considered for employment in order of preference are Smt. Kabiya Tantin and Kamlesh Tanti in place of the deceased employee Baldeo Tanti. Smt. Kabiya Tantin was offered employment but she was unwilling to accept it. Then Shri Kamlesh Tantin was offered employment but he could not join as he was minor aged 14 years only at the time of the death of Baldeo Tanti. Shri Raghuandan Tantin persuaded Smt. Kabiya Tantin to give job to him in place of late Baldeo Tanti. The said Shri Raghuandan Tantin is not the son-in-law of Baldeo Tanti and as such he is not entitled to get employment in place of Baldeo Tanti. The relative of Baldeo Tanti wanted that Kamlesh Tantin should be given employment as soon as he becomes a major of 18 years and the said suggestion was accepted by Kabiya Tantin as Raghuandan Tantin is not the son-in-law of the deceased employee he is not legally entitled for employment and as such the management was justified in not giving employment to Shri Raghuandan Tantin.

According to the terms of the schedule to the order of reference the points for consideration is whether Shri Raghuandan Tantin should be given employment as dependent of late Baldeo Tanti under para-9.4.2 of NCWA-III.

The workmen examined WW-1 Kabiya Tantin widow of late Baldeo Tanti. The management did not examine any witness in the case.

A petition was filed by Smt. Kabiya Tantin on 21-7-89 with a prayer to pass an Award directing the management for the appointment of Kamlesh Tantin as dependent son of late Baldeo Tanti as he has already attained the age of 18 years.

WW-1 Kabiya Tantin has stated that she is the widow of Baldeo Tanti and that Kamlesh Tantin is her son who was minor at the time of the death of her husband Baldeo Tanti and as such she had applied to the management for giving employment to her son-in-law Raghuandan Tantin. She has further stated that now her son Kamlesh has become major and as such she wants that her son Kamlesh be given employment in place of her deceased husband Baldeo Tanti and that employment may not be given to her son-in-law Raghuandan Tantin.

In para-7 of the W.S. of the management it is clearly stated that Kabiya Tantin was the second wife of late Baldeo

Tantin and that when she was married to Baldeo Tanti she was already having a daughter from another husband. It was also stated in the W.S. that Baldeo Tanti had only one son Kamlesh Tanti and had no daughter. The said statement of the management has not been denied either in any rejoinder or in the statement of Kabiya Tantin. Raghuandan Tantin is no doubt the son-in-law of Kabiya Tantin as the daughter of Kabiya Tantin who has been married to Raghuandan Tantin was born to her with another husband and the said daughter of Kabiya Tantin is not the daughter of Baldeo Tanti. In view of the fact that Raghuandan Tantin is not the son-in-law of deceased employee Baldeo Tanti no employment can be claimed for Raghuandan Tantin in place of deceased employee Baldeo Tanti. In fact Raghuandan Tantin is not the son-in-law of late Baldeo Tanti. In the above view of the matter I hold that the management was quite justified in not giving employment to Shri Raghuandan Tantin who was not the son-in-law of late Baldeo Tanti.

It is now claimed that as Kamlesh Tanti who is admittedly the son of late Baldeo Tanti has become major he may be given employment in place of his deceased father late Baldeo Tanti. So far this reference is concerned the matter whether Kamlesh Tanti could be given employment in place of his deceased father Baldeo Tanti is outside the scope of the reference which has been sent to this Tribunal for adjudication. The management, however, would certainly consider the matter of giving employment to Shri Kamlesh Tanti in place of his deceased father late Baldeo Tanti as is indicated in the W.S. of the management.

In the result, I hold that the action of the management in not employing Shri Raghuandan Tantin as son-in-law of late Baldeo Tanti who expired while in service is justified in as much as the said Raghuandan Tantin was not the son-in-law of late Baldeo Tanti. Accordingly Raghuandan Tantin is entitled to no relief.

This is my Award.

I. N. SINHA, Presiding Officer
[No. L-24012(86)/86-D.IV(B)/IR(Cool-1)]

नई दिल्ली, 16 अक्टूबर, 1989

का.आ. 2753:- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, मैमर्स टाटा आयरन एंड स्टील कम्पनी निमिटेड के प्रबन्धतात्व में सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

New Delhi, the 16th October, 1989

S.O. 2753.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Tata Iron and Steel Company Ltd. and their workmen, which was received by the Central Government.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 308 of 1987

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act., 1947.

PARTIES :

Employers in relation to the management of Tata Iron & Steel Company Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen—Shri B. C. Mukherjee, Advocate.

On behalf of the employers—Shri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 26th September, 1989

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012 (202)/87-D.-III(A) dated, the 15th December, 1987.

SCHEDULE

"Whether the action of the management of M/s. Tisco, Ltd., P.O. Jamadoba, Distt. Dhanbad in dismissing S/Shri M. M. Chatterjee and Niranjan Khan In-charge/Clerk in Central Stores, Jamadoba respectively w.e.f. 21-10-1986 is justified ? If not, to what relief the workmen are entitled ?"

The case of the workman is that the concerned workman Shri M. M. Chatterjee was working as Incharge of I.C.S.T. section Central Stores, Jamadoba and the other concerned workman Shri Niranjan Khan was working as a Clerk Grade-II in the said section under Shri M. M. Chatterjee, I would first take up the case of the concerned workman Shri M. M. Chatterjee.

The allegation against the concerned workman Shri M. M. Chatterjee is that he issued 50 Nos. M. S. Sheets of 6'x3'x1/8" on 25-4-86 to Md. Jalal of M/s. Moon Engineering Works, Jharia against materials requisition No. 2338 of 23-4-86 raised by the colliery engineer Malkara against works order No. J/JOB/608-501[A]1 of 7-1-86. The above material value at Rs. 7722 were taken out from the Central Stores by Md. Jalal of M/s. Moon Engineering Works Jharia in vehicle No. BHG 9895. It is said that Shri M. M. Chatterjee did not post the issue of 50 M.S. Sheets in the Bin cards and did not send the materials requisition to the ledger keeper to avoid its posting in the ledger. He also did not report about the missing of the said material requisition No. 2338 dated 23-4-86. He did not deliberately and purposely enter the issue of the material made by him in the Bin card and held back the original copy of the material requisition. This he did dishonestly in connivance with the other concerned workman Shri Niranjan Khan Grade-II clerk of his section of the Central Stores and one Shri S. K. Dutta Clerk Grade-II of Engineering section of Malkara colliery in order to defraud the company of the materials amounting to Rs. 7722 and for the corresponding monetary gain to the contractor M/s. Moon Engineering Works Jharia. The management charged Shri M. M. Chatterjee for misconduct amounting to dishonesty in connection with the company's business and property under clause 19(2) of the Certified Standing Orders of the management.

Shri M. M. Chatterjee submitted his explanation to the Chargesheet vide his reply dated 28-5-86. He denied the charge. He has stated in his explanation that after expiry of long period it was not possible for him to remember whether the concerned materials were issued by him on 25-4-86 to Shri Jalal or not or whether Md. Jalal took the materials out of the Central Stores by vehicle No. BHG 9895. He has stated that normally after issuing the materials he and Niranjan Khan keep the original requisition in a drawer of his table which remains unlocked. The posting of issuing material requisition is made in the Bin card by Shri Niranjan Khan (hereinafter referred to as N. Khan for brevity) on the following day after the bunch of requisitions are sent to the ledger keeper. It is stated that if the posting of the alleged requisitions were not done in the Bin card it was due to two reasons namely either the materials were not issued at all or the particular requisition must have been missing. There was no system of checking back accounting and numberings or requisitions before entering in the Bin card and hence it was not possible to detect whether a particular material requisition is missing or not. This was the reason that even if the material requisition was missing the

matter could not be reported to the higher authorities. The allegation that Shri M. M. Chatterjee did not deliberately or purposely enter the materials issued in the Bin card and held back the original copy of material requisition No. 2338 is entirely false and baseless. Prior to this incident not a single requisition was detected to be missing from his drawer. Shri M. M. Chatterjee and N. Khan took it for granted that all the requisitions against which materials were issued on 25-4-86 had been in the drawer in the morning of 26-4-86 and the entries were made in Bin card accordingly. There was no motive on the part of the concerned workman to avoid posting on either in the Bin card or in the ledger. Shri Chatterjee denies that he had defrauded the company's materials amounting to Rs. 7722 and for the corresponding monetary gain to the contractor in connivance with N. Khan and S. K. Dutta. According to him he did not commit any dishonesty in connection with company's business as alleged.

The case of the management is that the concerned workman Shri M. M. Chatterjee, Incharge, I.C.S.T. section of Central Stores, Jamadoba had issued 50 M.S. sheets of Size 6'x3'x1/8" on 25-4-86 to Shri Md. Jalal of M/s. Moon Engineering Works Jharia against the materials requisition No. 2338 dated 23-4-86 raised by the colliery engineer Malkara colliery against work order dated 7-1-86. The said material issued by Shri M. M. Chatterjee valued at Rs. 7722 was taken out from the Central Stores by Shri Md. Jalal of M/s. Moon Engineering Works Jharia in Vehicle No. BHG 9895. Shri Md. Jalal has submitted a letter dated 25-4-86 addressed to the Chief Security Officer on behalf of M/s. Moon Engineering Works for issue of road permit for lifting the steel material for moon Engineering works by truck No. BHG 9895. The concerned workman Shri M. M. Chatterjee did not post the issue of 50 M.S. sheets in the Bin card and also did not send the copy of the material requisition No. 2338 dated 23-4-86 to the ledger keeper to avoid its posting in the ledger. Shri Chatterjee also failed to report about the missing of the material requisition No. 2338 dated 23-4-86. Shri M. M. Chatterjee dishonestly acted in connivance with Shri N. Khan Clerk Grade-II of his section and Shri S. K. Dutta, Clerk Grade-III of Engineering section of Malkara colliery to defraud Tisco.

On 4-5-86 Shri S. N. Sinha, Asstt. Chief Personnel Manager of the management had made an enquiry into the above incident and he showed the photo copy of material requisition No. 2338 to Shri M. M. Chatterjee and after going through it Shri Chatterjee admitted that the photo copy of the requisition No. 2338 dated 23-4-86 bears his signature and he issued the material to Shri M. D. Jalal on 25-4-86. The Bin card of the stock of M.S. Sheet of the size 6'x3'x1/8" was also shown to Shri Chatterjee and he had admitted that he had not made entries of issue of 50 M.S. sheets to Shri Md. Jalal on 25-4-86 in Bin card. The above Bin card contain the last issue on 22-4-86. Shri S. N. Sinha also made enquiry from Shri Ram Sabad Singh, Security Guard who was on duty at the Central Stores gate on 25-4-86. Shri Ram Sabad Singh gave his statement in his own writing addressed to Shri S. N. Sinha. Shri Ram Sabad Singh stated in his written statement that on 23-4-86 Shri N. Khan and Shri Md. Jalal had gone to him and informed him that 50 M.S. sheets will go out from the Central Stores and that Shri Ram Sabad Singh should act as instructed by them. Shri Ram Sabad Singh was told that a few persons were involved in pilfering the company's materials and after the pilfered materials reach its own destination the money earning of the pilfered material would be distributed and that Shri Ram Sabad Singh should not make the entry of the particulars of the said requisition in the gate register and asked him to return copy of the material requisition to Shri Khan Babu. Shri Ram Sabad Singh stated that on 5-4-86 Shri Md. Jalal came with the vehicle No. BHG 9895 at the Central Stores gate and asked him that 50 M.S. sheets would be taken by him and that Shri Singh should not enter the particulars of the requisition in the gate register. At about 10.45 A.M. on 25-4-86 Md. Jalal came with 50 M.S. sheets loaded in the trucks with a copy of the requisition No. 2338 dated 23-4-86 which was signed by Shri Mohit Paul, Havaldar, who was on duty at the gate. Shri Jalal after the signature of Shri Mohit Pal gave a copy of the requisition to him and took out the material of the Central Stores in vehicle No. BHG 9895. After Md. Jalal left Shri Ram Sabad Singh quietly entered the particulars of

the requisition in the gate register. On 26-4-86 Md. Jalal and Ram Singh came to Shri Ram Sabad Singh and asked him to return copy of the requisition but Shri Ram Sabad Singh told them that he would not return the copy before 12.30 P.M. and assured them that he would return the copy provided he gets his own share. Shri Md. Jalal asked Ram Sabad Singh to collect his share from his workshop. Ram Sabad Singh got the photo copy of the requisition and returned the original gate copy of requisition to Shri N. Khan in his office. Shri Ram Sabad Singh gave the photo copy of the requisition to the C.S.O. On 3-5-86 Shri Md. Jalal came to Shri Ram Sabad Singh and informed him that he was going to pay Rs. 4000 to Shri M. M. Chatterjee and that Shri Ram Sabad Singh should collect his share from Shri Chatterjee. He also told him that in case Shri Chatterjee does not give him his share he should collect his share from his Bamahir workshop. Shri Ram Sabad Singh contacted Shri Chatterjee and asked for his share to which Shri Chatterjee replied that the distribution of the amount would be made after Shri Khan resumes his duty Shri Chatterjee had admitted before him that Md. Jalal had given him only Rs. 4000 only. All this was being done by Shri R. S. Singh as per the advice of the C.S.O. to detect the pilferage of the steel material from the Central Stores, Jamadoba. Thus according to the management Shri M. M. Chatterjee along with others had committed misconduct under clause 19(2) of the Certified Standing Orders of the Company.

The domestic enquiry was held by Shri M. M. Haque, Personnel Officer in which Shri S. N. Sinha was the management representative. The concerned workman and his co-worker appeared in the domestic enquiry and the management's witnesses were examined in presence of the concerned workman and his co-worker. The enquiry officer gave opportunity to the concerned workman and his co-worker to cross-examine the management witness. After the close of the management's witness, Shri M. M. Chatterjee gave his own statement but declined to adduce any witness in his defence. Thereafter the enquiry report holding the concerned workman Shri M. M. Chatterjee guilty of the charge levelled him under clause 19(2) of the Company's Standing Orders.

Earlier on the prayer of the parties the preliminary issue was taken up for hearing whether the domestic enquiries held against the concerned workmen Shri M. M. Chatterjee and Shri N. Khan were fair, proper and in accordance with the principles of natural justice. After examination of the witnesses on both the sides the Tribunal held by its order dated 12-6-89 that the domestic enquiry held against both the concerned workman was fair, proper and in accordance with the principles of natural justice and thereafter the case was fixed for hearing on merit on the materials already on the record of the domestic enquiry.

In respect of concerned workman Shri M. M. Chatterjee the point for decision is whether the charge levelled against him under clause 19(2) of the Company's Standing order has been established on the evidence adduced before the enquiry officer.

The presenting Officer Shri S. N. Sinha had given his statement first giving the facts of the case and the materials on which he relies for establishing the charge against the concerned workman. The management examined MW-1 Shri Ram Sabad Singh, MW-2 Shri A. Kumar MW-3 Shri U. P. Singh Chief Security Officer. Thereafter the concerned workman Shri M. M. Chatterjee gave his statement. The management exhibited some documents which are marked Exts. No. 1 to Ext. 4 as marked by the enquiry officer.

Ext. No. 1 dated 25-4-86 is a petition by Md. Jalal for M/s. Moon Engineering Works requesting for issue of road permit addressed to the Chief Security Officer, Jamadoba, Dhanbad requesting for issue of a road permit for the stores materials which has to be lifted from Central Stores Jamadoba and delivered to Moon Engineering Works Jharia against the work order No. J/JAOB/60-60850/A/1 dated 7-1-80 by truck No. BHG 9895 in respect of requisition No. 2338. Ext. M-2 is the photo copy of the materials requisition which shows that 30 M.S. sheet of the size 6x3x1/8" was issued to Md. Jalal C/o. Moon Engineering works. It will appear from the management's evidence that it was the original of this material re-

quisition on which 50 MS sheets were issued to Jalal and that the said material requisition was produced at the Central Stores goes for taking out the material and that after Mohit Lal Pati, Huvandar at the gate signed it and was handed over to Shri Ram Sabad Singh, Security Guard posted at the gate and thereafter Md. Jalal went away with the material on the vehicle BHG 9895. Shri Ram Sabad Singh who had been examined as MW-1 has stated that when the material requisition was handed over to him he got its photo copy through his brother and thereafter he returned the material requisition on 26-4-86 to N. Khan, Clerk in the Central Stores since. Shri S. N. Sinha, Asstt. Chief Personnel Manager had held a preliminary enquiry in the matter. He has stated that he had confronted Shri M. M. Chatterjee with the photo copy of the materials requisition slip No. 2338. Shri S. N. Sinha was cross-examined by the concerned workman. The concerned workman questioned him whether the original copy of the material requisition No. 2338 dated 23-4-86 was shown by Shri Sinha to Shri M. M. Chatterjee to which Shri Sinha replied that he had shown him the photo copy of the material requisition No. 2338 dated 23-4-86 which contain the signature of Shri M. M. Chatterjee and Shri Chatterjee admitted before him that he had issued 50 M.S. sheet as per requisition and that the photo copy contain his signature. Shri S. N. Sinha to another question put to him by the concerned workman stated that he did not feel it necessary to verify the stock of Central Stores of I.C.S.T. section after the incident in view of the fact that Shri M. M. Chatterjee admitted that 50 M. S. sheets were issued to M/s. Moon Engineering works on 25-4-86. Shri M. M. Chatterjee in his cross-examination has stated that Shri S. N. Sinha had shown him the photo copy of the material requisition No. 2338 on 4-5-86 and that Shri Chatterjee admitted on that date that his signature was there on the photo copy of the material requisition No. 2338. To another question Shri M. M. Chatterjee stated that he had not entered the issue of 50 Nos of M. S. sheet which was issued to M/s. Moon Engineering Works on 25-4-86 in the Bin Card. Shri M. M. Chatterjee was again asked after going through the gate register whether he found that 50 M. S. sheet were taken as per the requisition No. 2338 dated 23-4-86 by vehicle No. 9895 to which Shri M. M. Chatterjee said that there is entry in the gate register about the taking away of the materials on the said vehicle. He was also asked whether he had himself gone to issue the material in the yard to Md. Jalal against requisition No. 2338 or he had sent any mazdoor of his section for delivering material to which the concerned workman himself stated that he did not remember it. He has also admitted that he did not give any information to the Stores Officer regarding the loss or missing of the materials requisition No. 2338. To another question put by the management as to what was the ground on which the concerned workman stated in his reply to the chargesheet that the charges levelled against him are false, the concerned workman replied that he had not seen the original copy of the requisition No. 2338 during the investigation being made by Shri S. N. Sinha as such he had stated so in his reply. It will also appear from the answers made by Shri M. M. Chatterjee that he had never requested for any lock in drawer for the safety of the materials requisitions kept in it. Thus it emerged from the material requisition and the statement of the concerned workman Shri M. M. Chatterjee that the concerned workmen had issued 50 M. S. sheets to Md. Jalal on 25-4-86 and that the photo copy of the materials requisition Ext. M-2 contain the signature of Shri M. M. Chatterjee. Thus there is no room for doubt that Shri M. M. Chatterjee had issued 50 Nos. M. S. sheets to Md. Jalal vide materials requisition No. 2338 dated 23-4-86.

It is also admitted by Shri M. M. Chatterjee that the delivery of the 50 M. S. sheets to Shri Md. Jalal was not entered in the Bin Card. Ext. M-3 is the photo copy of Bin card of M. S. sheets 6x3x1/8" from 4-1-85 to 30-4-86. It will appear that after the entry on 22-4-86 the next entry in the Bin card was on 30-4-86 and there was no entry of the issue of the M. S. sheets which was admittedly made to Md. Jalal on 25-4-86. This document also shows that no entry was made in Bin card regarding the issuance of 50 M. S. sheets to Jalal on 25-4-86.

Now we turn to the evidence of Ram Sabad Singh, Security Guard posted at Central Stores gate from 8.00 A. M. to 5.00 P.M. He has stated that his work at the Central Stores gate is to check all the vehicles entering and going out of the Central Stores gate. His duty was also to enter in the

gate material out register the materials which goes out from the Central Stores against the materials requisition. He has stated that Shri N. Khan had approached him and had told him that if he acts as per his instruction Shri Singh will be benefited. He has stated that on 23-4-86 Shri N. Khan and Md. Jalal came to him and told him that 50 M. S. sheets would be taken out on 25-4-86 and that Shri Singh should not make entries and return the copy of the requisition. He has stated that on 25-4-86 Md. Jalal came with his vehicle No. BHG 9895 and informed Shri Singh that he was going to take 50 M. S. sheets. Shri Singh after checking the road permit (Ext. M-1) of the vehicle BHG 9895 allowed the vehicle to go inside the Central Stores. Shri Singh stated that at about 10.45 A.M. the said vehicle came to Central Stores Gate loaded with 50 M. S. sheets and after requisition was signed by Shri Mohit Pal, Havaldar Shri Singh was asked by the Havaldar to allow the vehicle to go out. Shri Singh after checking the copy of the material requisition from Shri Jalal allowed the vehicle to go out and he entered the particulars concerning the requisition No 2338 in the gate register although he had been asked by Md. Jalal and Shri N. Khan not to do so. Shri Ram Sabad Singh had stated that on 26-4-86 Md. Jalal and N. Khan approached him and wanted to get the gate copy of the requisition No. 2338 but Shri Singh told them that he would return it after 12.30 P.M. to Shri N. Khan after getting his share. Md. Jalal told him to collect his share from Banuahir workshop Jharia. Shri Ram Sabad Singh got the photo copy made of the requisition No. 2338 through his brother and thereafter he gave the original copy of the material requisition No. 2338 to Shri N. Khan in his office and retained the photocopy of the requisition and handed it over to the Chief Security Officer confidentially. He has stated that on 3-5-86 Jalal came to the Central Stores gate and told Shri Singh that he was going to pay Rs. 4000 to Shri M. M. Chatterjee and asked Shri Singh to collect his share from him. Thereafter Shri Singh went to Shri M. M. Chatterjee to take his share to which Shri Chatterjee told him that his share will be distributed when Shri N. Khan returns from leave. Shri Singh had clearly stated that he had done all these under the instructions of the Chief Security Officer and had kept the Chief Security Officer informed about the details of the activities of Shri M. M. Chatterjee and N. Khan and Md. Jalal from time to time. Ext. M-4 is the photo copy of the written statement which Ram Sabad Singh security guard gave to Shri S. N. Sinha, Asstt. Chief Personnel Officer about 10.45 A.M. containing M. S. Sheet 6'x3'x8". Jamadoba and the facts stated above are contained therein. Ext. M-5 is the extract from the Central Stores gate register dated 25-4-86. Sl. No. 25 in Ext. M-5 will show that vehicle No. BHG 9895 was allowed to pass through the gate at about 10.45 a.m. containing M.S. Sheet 65'x3'x1/8". Thus Ext. M-5 will show that BHG 9895 for which road permit was issued by the Chief Security Officer vide Ext. M-1 passed out of the gate on 25-4-86 with M.S. Sheet. It is clear therefore that the M.S. sheet which were delivered to Md. Jalal by Shri M. M. Chatterjee on 25-4-86 was taken out of the gate by Shri Jalal.

Shri A. Kumar, Stores Officer has been examined as MW-2. He has stated about the procedure for issue of the stores materials against requisitions raised by the colliery department. He has stated that the requisitions from the colliery are received in the stores and after the Incharge of the godown takes the requisition the said incharge or the issue clerk of that section issues the materials and the person issuing the materials puts his signature on the requisition with date in the issue column and indicates the quantity issued in the column. Thereafter the signature of the bearer is taken on the reverse of the requisition in token of receipt of the material and thereafter the duplicate and the triplicate requisition copy are returned to the bearer. He has stated that the person who issued the materials enters the particulars in the Bin card against which the materials were issued and the original copy of the requisition is kept by the Incharge godown or the Issue Clerk and in the second half of the day all materials requisition during the day are bunched together and entered in a register giving all details of the materials requisitions. Thereafter the bunch is sent to the ledger keeper for its entry in the ledger book. He has stated that it is only or rare occasions that the left over jobs are done on the next day and mostly it is completed on the same day. He has stated that on 4-5-86 Shri S. N. Sinha, Asstt. Chief Personnel Manager went to the Stores along with Shri U. P. Singh in connection with the enquiry of

issue of 50 M. S. sheets against material requisition No 2338 dated 23-4-86 and that on checking the Bin card of M.S. sheets it was found that there was no entry in the Bin card regarding the issue of 50 M. S. sheets.

MW-2 Shri U. P. Singh, Chief Security Officer also was examined and stated that he was informed that steel materials which were being issued from Central Stores to the contractor was not being entered in the relevant records in the Central Stores but as he had no evidence he did not report the matter to the management. His evidence will show that Shri Ram Sabad Singh, Security Guard is normally posted in the general shift at the Central Stores gate to whom he asked to be vigilant in case of issue of steel materials to the contractors. It appears from his evidence that Shri Ram Sabad Singh was in constant touch with him and when Shri N. Khan and Shri Jalal had taken him in confidence they planned to take the materials out of the Central Stores gate and after taking back the requisition no entry was made in the records of the Central Stores. Shri U.P. Singh has fully supported Shri R. S. Singh about the fact that R. S. Singh was acting on his instruction and had pretended to be in league with the staff of the Central Stores and the contractor Md. Jalal. He has also stated that Shri Ram Sabad Singh had handed over the photo copy of the materials requisition to him and the original requisition which was handed over at the Central Stores gate was returned back to Shri N. Khan and thereafter no entry was made in the Stores Bin card and it was not sent for making entries in the ledger. Shri Ram Sabad Singh had impressed that he is in league with them and would share the amount with them. So that Shri Ram Sabad Singh may be in complete know of the method of the fraud and dishonesty being committed by the concerned workman.

The enquiry officer in his enquiry report Ext. M-12 has discussed in details about the evidence of the management witnesses and the statement of the concerned workman and I do not see any cogent reason to come to a different finding from him.

One of the point which has been very much emphasized on behalf of the workmen is that as the stock of the M. S. sheet was admittedly not verified by the management it was not possible for the management to say that the M. S. sheet were actually lifted or taken away by Md. Jalal from the Central Stores. In my opinion it appears that there was no need to count and verify the number of the M. S. sheets in view of the fact that on 4-5-86 Shri M. M. Chatterjee himself admitted that he had issued 50 M.S. sheets to Md. Jalal vide requisition No 2338 and the photo copy of the requisition slip shown to him bears his signature and the date of delivery. It will also appear from Ext. M-5 that M. S. sheets were taken out from the Central Stores gate on BHG 9895 on 25-4-86. It will appear that Md. Jalal had got the road permit to lift the M. S. sheets from Central Stores Jamadoba issue through requisition No. 2338. In view of the above evidence it cannot be said that Shri M. M. Chatterjee had not been taken out from the Central Stores Gate by Md. Jalal. In this view of the matter it was not at all necessary to verify the stock in respect of M. S. sheet of the Central Stores and the concerned workman can not take advantage of it to show that lifting of the M. S. sheet has not been established. It was the duty of Shri M. M. sheet has not been established. It was the duty of Shri M. M. Chatterjee to get the stores materials issued to Shri Md. Jalal entered in the Bin Card and also to send the requisition for entering in the ledger. From the evidence discussed above it appears that there was a big conspiracy between the concerned workman M. M. Chatterjee and others to take away the stores materials from the Central Stores and they had so contrived that the same may not be detected by trying to have the security guard at the Central Stores gate in their confidence and get the requisition from the Security guard and not making any entry in any of the registers of the management and completely removing the requisitions from the records.

In view of the above evidence I hold that the management has been able to establish the charge of misconduct under clause 19(2) of the Standing Orders against Shri M. M. Chatterjee.

Now I take up the case of the other concerned workman Shri Niranjan Khan (hereinafter referred to as N. Khan).

The concerned workman Shri N. Khan was working as Clerk Grade-II in I. C. S. T. Section Central Store Jamadoba

of Tisco and the other concerned workman Shri M. M Chatterjee was incharge of that section. The allegation against the concerned workman Shri N. Khan is that 50 M.S. sheets measuring 6'x3'x8" were issued on 25-4-86 against materials requisition No. 2338 dated 23-4-86 to Md. Jalal of M/s. Moon Engineering Works Jharia. The above materials requisition was duly approved by the Colliery Engineer Malkera against works order No J/JMB/608-501/A/1 dated 7-1-86. The materials were received by Md. Jalal representative of M/s. Moon Engineering Works Jharia in the Central Stores and were taken out of the Central sheets in the Bin Card but he did not deliberately enter the concerned workman to enter the said issue of 50 M. S. sheets in the Bin Card but he did not deliberately enter the said issue of the materials in the Bin Card. The original copy of the material requisition was also deliberately held back and not sent for posting in the ledger. It transpired that the concerned workman approached Shri R. S. Singh, Security guard on duty at the Central Stores Gate with request not to enter in the Gate register the issue of 50 M. S. sheets being taken out by truck No. BHG 9895 and return the above requisition given at the security gate. The concerned workman offered to share the money received from the contractor in this transaction with Shri R. S. Singh, Security guard. On the repeated persuasion by the concerned workman Shri R. S. Singh handed over to him the materials requisition No 2338 dated 23-4-86 on 26-4-86. It was alleged that the said act of the concerned workman in obtaining the copy of the material requisition of the security gate and destroying the same along with original in connivance with Shri M. M. Chatterjee was with the purpose and intent to defraud the company to the tune of Rs. 7722/- for the corresponding benefit to M/s. Moon Engineering Jharia amounted to fraud in connection with company's business which is a misconduct under clause 19(2) of the Standing Orders of the company. The chargesheet dated 23-5-86 was issued to the concerned workman to which the concerned workman gave his reply dated 28-5-86.

The case of the concerned workman is that the charges levelled against him is an after thought and is entirely false and fabricated. He denied that he had obtained the copy of the material requisition from the security guard and destroyed the same along with the original in connivance with Shri M. M. Chatterjee or any other person. He had no intention or any purpose to defraud the management of Tisco, for the benefit of M/s. Moon Engineering Works. He did not do anything amounting to fraud in connection with company's business. The allegation that he did not deliberately enter the issue of the materials in Bin card and deliberately held back the original copy of the material requisition and did not send the same for posting in the ledger are also false and baseless. He had not approached Shri R. S. Singh, Security guard with a request not to enter in the gate register the issue of 50 M. S. sheet being taken out in vehicle No. BHG 9895 and to return the copy of the above requisition. He has also denied the allegation that he had offered to share the money received from the contractor with Shri R. S. Singh security guard. The concerned workman did not receive any money from the contractor and hence there was no question to share the money with anybody. He had not persuaded Shri R. S. Singh, Security guard to hand over the copy of the material requisition No. 2338 dated 23-4-86 on 26-4-86. The concerned workman had no occasion for persuading Shri R. S. Singh for the return of the material requisition. The alleged material requisition was never handed over to the concerned workman at any time by Shri R. S. Singh. The concerned workman remained busy in issuing Stores materials requisition by the washery during his duty hours and when he is not busy with washery requisition he issued other materials requisition relating to I.C.S.T. section along with Shri M. M Chatterjee. The original requisition is retained by him after supply of the material on any particular date are kept in the drawer and entered by him in the Bin card in the next morning. The drawer in which the issue of original requisition are kept has no lock and key. There had never been an occasion that he failed to enter in the Bin card any of the requisition issued. If the material requisitioned in question was not entered in the Bin card it meant that the concerned workman did not find it along with other requisitions in the drawer. The concerned workman is unable to say as to how and why the materials requisition was not kept in the drawer since he had not issued the particular material and he had no knowledge about it.

The other facts relating to the case have already been stated while dealing the case of the other concerned workman Shri M. M. Chatterjee. The domestic enquiry against the concerned workman was held by Shri M. M. Haque in the presence of the concerned workman and he had been given full opportunity to cross-examine the management witnesses and to adduce his own evidence in defence after completing the enquiry. The enquiry officer submitted his enquiry report Ext. M-18.

As already stated above it has been found by the Tribunal that the domestic enquiry held into the charges against the concerned workman was fair, proper and in accordance with the principles of natural justice.

Now the point for decision in respect of the concerned workman Shri N. Khan is whether the allegation regarding the misconduct under clause 19(2) of the Standing Order of the company has been established against him.

Management had examined MW-1 R. S. Singh, MW-2 Shri Mohitlal Pal, Havaldar, MW-3 Shri U. P. Singh, MW-4 Shri A. Kumar. Besides them the presenting officer Shri S. N. Sinha had also given his statement at the beginning of the enquiry and has stated about the case of the management and the documents on which he relies for establishing the charges against the concerned workman. The documents in connection with case of Shri N. Khan are chargesheet Ext. M-5 dated 23-5-86, reply of the concerned workman Shri N. Khan Ext. M-6 dated 28-5-86, notice of enquiry by the Director of Collieries, Ext. M-15 dated 7/9-6-86 notice of the enquiry by the enquiry officer Ext. M-16 dated 24-6-86, enquiry proceeding Ext. M-17, enquiry report M-18. Directors decision for dismissal with effect from 21-10-86 Ext. M-7 and the order of dismissal of the concerned workman Ext. M-8 dated 20-8-86.

The management witness No. 4 Shri A. Kumar Stores Officer has stated about the procedure for issue of stores materials against requisitions raised by the colliery department. About the procedure he has stated that the requisition from the colliery department comes to the Stores (Incharge godown) and after checking the requisition the Incharge godown or the issue clerk of that section issues the materials. He has stated that the person who issues the material puts his signature on the requisition with date in the issue column and the quantity of issue in the column with unit measurement. Thereafter the signature of the bearer is taken on the reverse of the original requisition in token of receipt for the material and the duplicate and triplicate copy of the requisition are returned to the bearer. The person who issues the materials enters the particular in the Bin card against which material was issued. The original copy of the requisition is kept by the Incharge godown or the issue clerk in one place and the material requisition issued during the day are bunches together and are entered in a register giving all the details of the materials requisition in the second half of the day. Thereafter the bunch of the materials requisition is sent to the Ledger keeper for its entry in the ledger book. He has also stated that on 4-5-86 Shri S. N. Sinha along with Chief Security Officer had come to the stores regarding the enquiry of issue of 50 M.S. sheets against materials requisition No. 2338 dated 23-4-86. He has stated that on checking the Bin card of the above materials of M.S. Sheet it was found that 50 Nos. M.S. sheets were not entered in the Bin card. He has stated that the above materials was issued by Shri M. M. Chatterjee, Incharge of I.C.S.T. section of Central Stores to Shri Md. Jalal of M/s. Moon Engineering works. A photo copy of the requisition was shown to Shri M. M. Chatterjee who confirmed that he had issued 50 M.S. Sheet on 25-4-86 to M/s. Moon Engineering works. He has further stated that when the gate register was checked regarding the entry of the 50 M.S. sheet it was found that the materials against requisition No. 2338 had been taken out from Central Stores by Md. Jalal representative of M/s. Moon Engineering works on 25-4-86 which confirmed that the materials against requisition No. 2338 had been taken away from the Central Stores. There is nothing in the cross-examination of Shri A. Kumar to show that the facts stated by him were not correct.

The management's representative had stated that he had made a preliminary enquiry regarding the issuance of 50 M.S. sheets and he had shown the photo copy of the mate-

rials requisition to Shri N. Khan as well. Shri N. Khan did not give any further statement before the enquiry officer who stated that the explanation dated 28-5-86 given by him in response to the chargesheet issued to him should be taken as his statement before the departmental enquiry. His reply to the chargesheet is Ext. M-6. The concerned workman Shri N. Khan was cross-examined by the management's representative. The concerned workman admitted that there was no entry of 50 M.S. sheets which was issued to Shri Jalal of M/s. Moon Engineering works in the Bin card. He was also shown the gate register of the Central Stores dated 25-4-86. The concerned workman stated that there is entry in the gate register about the materials issued against the material requisition No. 2238 dated 25-4-86. The concerned workman was asked whether he had ever reported prior to 25-4-86 about the missing of copy of any of the requisitions to the stores officers to which he replied in the negative. He has admitted that sometimes he makes entries of the requisitions in the Bin card in respect of issue of the steel materials made by Shri M. M. Chatterjee. It appears therefore that neither Shri M.M. Chaterjee nor N. Khan had made entry regarding issue of 50 M.S. sheet in the Bin card.

The most important witness whose evidence has to be considered in respect of the charge against Shri N. Khan are the evidence of MW-1 R. S. Singh and the evidence of MW-3 Shri U. P. Singh. Before dealing with their evidence I will first deal with the evidence of MW-2 Mohit Lal Pal, Havaldar. He has stated that on 25-4-86 he was on duty from 8.00 A.M. to 5 P.M. at Central Stores Gate. On that day 50 M.S. sheets were taken out by Md. Jalal of M/s. Moon Engineering works in vehicle No. BHG 9895 against requisition No. 2338. He has stated that the M.S. sheets were counted by him at the gate and after finding it correct put his signature in the requisition and gave two copies of the material requisition to Md. Jalal and the gate copy to Shri R. S. Singh, Security guard on duty at the Central Stores gate and thereafter ordered the vehicle to go out of the Central Stores gate on 25-4-86. The photo copy of the material requisition bears his signature. It will thus appear from his evidence that 50 M.S. sheets had been taken away by Md. Jalal on 25-4-86.

The evidence of R.S. Singh supports his earlier written statement Ext. M-3 given by him to Shri S. N. Sinha at the time of preliminary enquiry. He has stated that he was deputed to work at the Central Stores gate from 8.00 A.M. to 5 P.M. His job at Central Stores gate was to check all vehicle entering and going out of the Central Stores and to enter in the gate material out register, the materials which went out from the Central Stores against the materials requisition. His evidence will show that the concerned workman Shri N. Khan had approached him and told him that he (R. S. Singh) will be benefitted if he acts as per his direction. He also told Shri R. S. Singh that he should not enter the details of the requisition in the gate register for which the concerned workman would advise in advance. He has stated that Shri N. Khan had told him that when the material against the particular requisition goes out then he should not record it in the gate register and that Shri R. S. Singh should return copy of the requisition which is deposited at the gate. Shri R. S. Singh has stated that Md. Jalal had also informed him that only a few persons were involved in the pilfering of the stores materials and once materials reach its destination the money of the pilfered materials would be distributed amongst them whereupon Shri R. S. Singh assured him that he would act as advised by Md. Jalal and N. Khan. It will further appear from the evidence of R. S. Singh that on 24-5-86 Shri N. Khan and Md. Jalal came to him and told him that 50 M.S. sheet would be taken out on 25-4-86 in respect of which Shri R. S. Singh should not make entries and return the copy of the requisition as had been advised earlier. Shri R. S. Singh stated that on 25-4-1986 Md. Jalal came with his vehicle No. BHG 9895 and informed Shri R. S. Singh that he was going to take the 50 M.S. sheets and thereafter the vehicle was checked and was allowed to go inside the Central Stores. Shri R. S. Singh stated that at about 10.45 A.M. on 25-4-86 vehicle BHG 9895 came to the Central Stores gate loaded with 50 M.S. sheets and after signature of Shri Mohit Pal Havaldar on the requisition vehicle was allowed to go out by the Havaldar and Shri R. S. Singh received the copy of the requisition from the contractor

at that time and Shri R. S. Singh quietly entered the particulars of the materials requisition No. 2338 in the gate register. He has further stated that on 26-4-86 Shri Jalal and Shri N. Khan approached him to return the gate copy of the requisition No. 2338 but Shri R. S. Singh told that he would return the gate copy of the requisition to Shri Khan after he gets his share. He was told by Md. Jalal to collect his share from Baniahir workshop Jharia Shri R. S. Singh had also stated that he got photo copy made of the requisition No. 2338 through his brother and returned original gate copy of the requisition No. 2338 to Shri N. Khan in his office and he handed over the photo copy of the requisition to his Chief Security Officer confidentially as Shri R. S. Singh was doing all these under the guidance of Chief Security Officer so that the entire conspiracy of taking out the materials from the Central Stores without making any entry may be fully exposed and the culprits are brought to book. Shri Singh has further stated that on 3rd May, 1986 Md. Jalal came to Central Stores and told Shri Singh that he is going to pay Rs. 4000 to Shri Chatterjee and Shri Singh should collect his share from him. Thereafter Shri Singh went to M. M. Chatterjee to take his share to which Shri Chatterjee told him that his share will be distributed when Shri N. Khan joins after leave. He has been thoroughly cross-examined on behalf of the concerned workman but there appears to be no reason to disbelieve his statement as admittedly he had no enmity or grudge with Shri N. Khan from before.

Shri U. P. Singh, MW-3 has stated that he had been informed earlier that steel materials which were being issued from Central Stores to the contractors was not being entered in the relevant records of the Central Stores but he had no evidence before him and as such he had not reported the matter earlier. He has stated that he had called Shri R. S. Singh, Security guard who is generally posted in the general shift at the Central Stores gate and told him to be more vigilant in case of the steel materials issued to the contractors. He has stated that Shri R. S. Singh informed him in March, 1986 that one of the issue clerk of Central Stores had approached him for not making certain entries with respect to the steel materials issued to one of the contractor in the gate register and that Shri Singh was asked by the issue Clerk to return the gate copy of the material requisition after the materials were taken out from the Central Stores gate. Shri U. P. Singh stated that he had advised Shri Singh to wait for sometime and to find out the persons involved in it. He has stated that Shri Singh informed him subsequently that Md. Jalal of M/s. Moon Engineering works and Shri N. Khan wanted to take out the steel materials with the help of the incharge, I.C.S.T. godown of Central Stores. Shri U. P. Singh had advised him to get photo copy of the materials requisition as soon as the material requisition in question was handed over to him at the Central Stores. Shri R. S. Singh had informed him on 25-4-86 at 10.00 A.M. that Md. Jalal had brought his vehicle No. BHG 9895. He has also stated that he received the photo copy of the requisition on 26-4-86 from Shri R. S. Singh. It will appear that no step was taken against the concerned workman soon after 26-4-86 as Shri U. P. Singh was waiting whether the entry was made in Bin card and whether all the copies of M.S. sheet requisitions were being destroyed or not. He informed the matter to Shri S. N. Sinha and Shri A. Kumar Stores Officer of the Central Stores about the incident on 4-5-86. The photo copy of the material requisition Ext. M-6 photo copy of the Central Stores gate register Ext. M-5, photo copy of the Bin card from 4-1-85 to 30-4-86 all support and corroborate the evidence of the witnesses.

In my opinion the oral and documentary evidence clearly establishes that the concerned workman Shri N. Khan was also a party to the fraud being perpetuated by him along with the Incharge Shri M. M. Chatterjee and the contractor Md. Jalal and that they had conspired to take away the company's material without showing it in the records of the company and thereafter misappropriated the said material and thus deprived the company of the said material and they had tried to share the profit made out of the said materials. In this view of the matter I hold that the charge under clause 19(2) of the Standing Orders of the company has been fully established against the concerned workman Shri N. Khan as well.

It has been submitted on behalf of the workmen that the photo copy of the material requisition No. 2338 dated 25-4-86 does not contain the signature of the security guard who was present at the time of delivery of the 50 M.S. sheets. It will appear from the evidence that the said security guard had signed on the reverse side of the material requisition. Admittedly the photo copy of the material requisition No. 2338 does not bear the signature of the security guard on the reverse side of the requisition. The management has tried to explain that Shri R. S. Singh had sent his brother to get photo copy of the said requisition on 26-4-86 and the photo copy of the reverse side of the requisition was not taken and as such the photo copy of the requisition does not bear the signature of the security guard who was present at the time of delivery of the material and had signed on the back of the requisition. The explanation appears to be quite plausible. In view of the fact that it is admitted that Shri M. M. Chatterjee had issued 50 M.S. sheet to Md. Jalal, there is no reason to disbelieve the said explanation given by the management.

In the result, I hold that the enquiry officer had rightly come to the conclusion that both the concerned workmen had committed misconduct of theft, fraud/dishonesty in connection with the company's property under clause 19(2) of the Company's certified standing order.

The concerned workmen have been dismissed from service for the said charges by the management. In view of the fact that the concerned workmen along with others had conspired to commit theft fraud/dishonesty of the company's property, their dismissal from service does not appear to be excessive.

In the result, I hold that the action of the management of M/s. Tisco, Ltd. in dismissing the concerned workman S/Shri M. M. Chatterjee and N. Khan, Clerk Grade-II in Central Stores Jamadoba with effect from 21-10-86 is justified and consequently the concerned workmen are entitled to no relief.

This is my Award.

I. N. SINHA, Presiding Officer
[No. L-20012(203)/87-D.III(A)/IR(Coal-I)]
K. J. DYVA PRASAD, Desk Officer.

नई दिल्ली, 11 अक्टूबर, 1989

का.प्रा. 2754:- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चीफ इंजीनियर, साउथ जोन, सी.पी.डब्ल्यू.डी., मद्रास के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकारण, मद्रास के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-9-89 को प्राप्त हुआ था।

New Delhi, the 11th October, 1989

S.O. 2754.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chief Engineer, Southern Zone, CPWD, Madras and their workmen, which was received by the Central Government on 27-9-89.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU MADRAS-104.

Saturday, the 26th day of August, 1989

PRESENT :

THIRU K. NATARAJAN, M.A., B.L.,
Industrial Tribunal
INDUSTRIAL DISPUTE NO. 116/87

(In the Matter of dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of the Chief Engineer, Southern Zone, CPWD, Madras-2 and others)

Between the workmen

Represented by

The Regional Secretary,
Central PWD Mazdoor Union,
C-50, Charan Nagar,
MTP Road, Coimbatore-641029.

AND

1. The Chief Engineer, Southern Zone,
C.P.W.D., Sathyamurthy Bhavan,
40, General Petters Road, Madras-2.
2. The Superintending Engineer,
Madras Central Electrical
Division III, C.P.W.D.,
Shastribhavan,
35, Haddows Road, Madras.
3. Executive Engineer, MCED,
III, C.P.W.D.,
Oliver Road, Madras.
4. Executive Engineer, CCED,
C.P.W.D. No. 1, Ansary Street,
Ramnagar, Coimbatore-9.

REFERENCE : Order No. L-42011/59/86-D.II(B),
dt. 6-10-1987 of the Ministry of
Labour, Government of India, New
Delhi.

This dispute coming on for final hearing upon perusing the reference, claim and counter statements and all other material papers on records and upon hearing the arguments of Thiru P. Rajendran, Advocate appearing for the workmen and of Thiru G. Rajan, City Government Pleader for Management No. 1 and Management Nos. 2 to 4 being absent, and this dispute having stood over till this day for consideration, this Tribunal made the following.

AWARD

This dispute between the workmen and the Management of the Chief Engineer, CPWD, Madras-2 and others arises out of a reference under Section 10(1) (d) of the Industrial Disputes Act, 1947 by the Government of India in its Order No. L-42011/59/86-D. II(B), dated 6-10-87 of the Ministry of Labour for adjudication of the following issue :

"Whether the action of the Executive Engineer, CPWD, CCED, Coimbatore (TN) and Executive Engineer, Central Electrical Division III, CPWD, Madras (TN) in terminating Shri V. Veeramuthu, Mazdoor and Shri V. Suresh Kumar, Mazdoor from service with effect from 21-2-1981 and

22-7-1984 respectively is legal and justified? If not to what relief are the concerned workmen entitled?"

1. The claim Petition averments are that the two mazdoor workers, Veeramuthu and V. Suresh Kumar are members of the Petitioner-Union. They were in continuous service for more than one year. Veeramuthu was appointed in December 1979 and the services were terminated with effect from 21-2-81. The workman, V. Suresh Kumar was appointed on 24-4-1980 and the services were terminated with effect from 22-7-1984. The petitioner states that the two workers have been in continuous service for not less than one year as defined under Section 25-B but they have been terminated by the Respondents 3 and 4 respectively. The termination is the retrenchment as defined under Section 2(oo) of the Industrial Disputes Act. They cannot be terminated without complying with the mandatory provisions of Section 25-F of the Industrial Disputes Act. One month notice in writing indicating the reasons was given and the workmen were paid wages for the period of the notice in lieu of such notice. The procedure for retrenchment laid under Section 25G of the I.D. Act has not been followed in this case. It is mandatory on the part of the employer to retrench the workmen, who was the last person to be employed in that category, namely "last come first go; for first come last go". The following juniors namely Leevanantham, Viswanathan and Sivasamy were retained while Veeramuthu was terminated. Similarly in the case of Suresh Kumar, the juniors R. Pandi, C. V. Rajendran and Mohamed Rafi were retained. The procedure laid down under Section 25-H of the I. D. Act for re-employment of the workmen has not been followed in this case. In the case of Suresh Kumar Vedachalam, Jayachandran, Valmoorthi, Kumaran, Kumar, Manohar, Rajendran were appointed after his retrenchment. Similarly in the case of Veeramuthu also three persons were appointed. The termination of service were by oral order and striking of names from rolls constitutes retrenchment under Section 2(oo) of the I. D. Act. The termination from the service of the two workmen is illegal and not justified. Hence an award may be passed by reinstating the workmen with all benefits.

2. The Respondent No. 4 filed a counter statement stating that the said Veeramuthu was not terminated at any stage by this devision, on the other hand he himself on his own accord remained absent continuously. The Central P.W.D. Mazdoor Union started functioning at Coimbatore from 15-12-83 whereas Veeramuthu had worked in this Department upto 20-2-81. Hence he could not be a member of the said Union in the year 1980-81. Veeramuthu though was appointed on 14-7-80, he was not in continuous service. He was in all service 157 days from 14-7-80 to 20-2-81. It is incorrect to state that he had put in continuous service for not less than one year. Section 25-F could not apply. The worker cannot claim reinstatement as he has actually failed to prove the condition and norms required for regularisation for his appointment namely service of 240 days in two consecutive years. The norms of regularisation of muster roll workers in this Department laid down by the Director General of Works, CPWD, New Delhi are as follows : (1) O.M. No. 39/8/81-ECX, dated

9-7-81. Muster Roll workers should possess experience of minimum of two years continuous service as Muster Roll workers in CPWD as on 1st January of the year of consideration. Those who have put in at least 240 days as Muster Roll workers including the broken periods of service during each of the two years service shall be eligible to be considered for absorption. (2) O.M. No. 39/8/81-ECX, dated 18-2-82. Absorption (i) Those Muster Roll Workers who have been engaged through the Employment Exchange would be eligible to be considered for absorption. Muster Roll Employees engaged upto 20th March 1979 otherwise than through Employment Exchange may also be considered for absorption in posts in W.C. Estt.|Regular Classified Establishment in CPWD. (3) O.M. No. 25/16/83-ECX, dated 4-9-84 and 29-9-84. Muster Roll workers who have been engaged upto 8-7-81 and in whose cases the registration Card No. of the Employment Exchange is mentioned against their names in the Muster Roll at the time of recruitment may be deemed to have been sponsored by the Employment Exchange for the purpose of absorption in all the posts in Group 'C' and 'D' or equivalent both in work charged and Regular Classified Establishment. The plea of the Petitioner that the juniors were appointed and their services were regularised is not applicable. In this case as Veeramuthu has not fulfilled the conditions, whereas the others pointed out by the petitioner were regular in their duties and fulfilled the conditions as that were required for regularisations of their appointment. The claim of the Petitioner-Veeramuthu was that the services were terminated without any order of termination is not correct. But on the contrary he himself discontinued from duty on his own accord on and after 21-1-81. Veeramuthu worked from 14-7-80 to 31-12-80 with breaks in service for 120 days and from 1-1-81 to 20-2-81 for 37 days. The actual and commuted service on muster roil after adding 1/6 towards rest and intervening holidays, it would come to 140 days in 1980 and 43 days in 1981. He has not satisfied the condition for regularisation. The department by possessing minimum requirement of two years of continuous service in CPWD as on 1st January of a year and should have completed 240 days in each of the two consecutive years. Therefore the claim is liable to be dismissed.

3. The Respondents 1, 2 and 3 in their counter statement states that the Petitioner-Union started functioning at Madras with effect from 21-3-84 only. Suresh Kumar was appointed on 24-4-80 and has worked in the department upto 21-7-84 with the break of service. Though he was appointed on 24-4-80, he was not in continuous services. He worked for 95 days from 24-4-80 to 25-8-80; 101 days from 27-8-80 to 25-12-80; 126 days from 27-1-81 to 26-6-81; 18 days from 21-10-83 to 19-11-83; 26 days from 21-11-83 to 20-12-83; 25 days from 22-12-83 to 19-1-84; 26 days from 20-1-84 to 19-2-84; 25 days from 20-2-84 to 19-3-84; 26 days from 21-3-84 to 19-4-84; 25 days from 21-4-84 to 19-5-84; 26 days from 21-5-84 to 20-6-84; and 26 days from 22-6-84 to 21-7-84 in all 223 days. Hence Section 25 of the I.D. Act does not apply to the worker. He cannot shelter under Section 25-B as has not worked 240 days in two consecutive years. Fur-

ther, he was not terminated by CPWD. But on the contrary remained continuously absent on his own accord. He did not fulfil the conditions and norms required for regularisation for that appointment. The norms of regularisation of muster roll workers in this department laid down by Director General of Works, CPWD, New Delhi are as follows : (1) O.M. No. 39/8/81-ECX dt. 9-7-81. Muster Roll Workers should possess experience of minimum of two years continuous service as Muster Roll workers in CPWD as on 1st January of the year of consideration. Those who have put in atleast 240 days as Muster Roll Workers (including the broken periods) of service will be eligible to be considered for absorption. (2) O.M. No. 39/8/81-ECX, dt 18-2-82. Absorption (i) Those Muster Roll workers who have been engaged through the Employment Exchange would be eligible to be considered for absorption. Muster Roll Employees engaged upto 20th March 1979 otherwise than through Employment Exchange may also be considered for absorption in posts in W.C. Estt. |Regular Classified Establishment in CPWD. (3) O.M. No. 25/16/83-ECX dt. 4-9-84 and 29-9-84. Muster Roll workers who have been engaged upto 8-7-81 and in whose cases the registration card No. of the Employment Exchange is mentioned against their names in the Muster Roll at the time of Recruitment may be deemed to have been sponsored by the Employment Exchange for the purpose of absorption in all the posts in Group 'C' and 'D' or equivalent both in work charged and Regular Classified Establishment. The contention of the Petitioner that the Juniors were appointed and the services were regularised, is not applicable in this case as Suresh Kumar has not fulfilled the conditions for such regularisation. The others pointed out by the Petitioner were regular in their duties and were in service, fulfilled all the conditions that were required for regularisation. It is incorrect to state that the termination of service of worker is illegal and unjustified since he himself absconded from duty and he was only a casual worker not entitled to the benefits. The actual and committed service rendered by Suresh Kumar on Muster Roll after adding 1/6 towards rest and intervening holidays comes to 229 days in 1980; 147 days in 1981; 62 days in 1983 and 198 days in 1984. Hence the claim is liable to be dismissed.

4. The points for determination are (i) Whether the termination of Veeramuthu and Suresh Kumar, Mazdoors from service with effect from 21-2-81 and 22-7-84 respectively is justified ? (ii) To what relief ?

5. W.W. 1, M.W. 1 and M.W. 2 were examined on the side of the Petitioner and Respondent respectively. Ex. W-1 and W-2 and Ex. M-1 to M-99 were marked by consent.

6. The case of the Petitioner-Union has been spoken to by W.W. 1. W.W. 1 is the Regional Secretary of the Petitioner-Union. His evidence is that the worker-Veeramuthu was appointed in 1979 and Suresh Kumar in 1980 and they have been terminated from service on February, 1981 and 24-7-84 respectively. According to him they worked continuously for more than one year. They have not been

duly given the notice for retrenchment much less retrenchment compensation was also not given. It is also in his evidence that juniors mentioned in the petition namely, Pandiyan and others were retained. He would further add that even after the retrenchment of the two workers, new persons were appointed without considering the case of the two workers. Hence he seeks relief in this petition for reinstatement of these workers on behalf of the Union. In the cross examination he elicited that the Petitioner union was started only in 1980 and registered on 1984 and he would file relevant documents subsequently. He would admit the two workers, Veeramuthu and Suresh Kumar became members of the Union in 1984. He would also refer to termination of Veeramuthu in 1981 and Suresh Kumar in 1984. He would deny the suggestion that the workers did not work 240 days continuously. He would also deny the suggestion that the workers themselves did not absent from duty and not terminated. A reading of oral evidence of W.W. 1, who is said to be the Regional Secretary of the Petitioner-Union, at no stage has stated they have worked for 240 days so as to claim the benefits of the Industrial Disputes Act. On the other hand M.W. 1, Head Clerk of the 4th Respondent, would speak about the appointment and other details relating to Veeramuthu. His version is Veeramuthu was working in the Sugarcane Breeding Institute and he would come to that site at 8.00 A.M. and sign in the attendance register. If he does not attend the work, it would be marked 'a' (absent) in the attendance register. The worker could not be asked why he did not turn up for duty and he is not bound to send a leave letter for his absence. He would add if the worker does not turn up continuously for duty, they would make a note 'person absconded' or 'left'. Relating to Veeramuthu his version is that the worker's name is not found in the muster roll for the days from 3-11-79 to 2-12-79. Ex. M.1 is the xerox copy of the muster roll for the period 3-11-1979 to 2-12-1979. In that we find only the names of V. Palanisamy, Venkataramani and Angamuthu. Ex. M-2 to M-11 are also Xerox copies of muster roll relating to the periods from 4-11-79 to 16-5-80. In these documents also the name of Veeramuthu is not found. But it is seen from Ex. M-12, xerox copy of muster roll, relating to the period from 17-6-80 to 17-7-80 wherein the name of Veeramuthu is found and has worked only for 4 days i.e., from 14-7-80 to 17-7-80. He has received the wages of Rs. 34/- for four days at the rate of Rs 8-50 per day. Ex. M-13 is the xerox copy of the muster roll register for the period from 18-7-80 to 17-8-80 under which Veeramuthu has worked for 30 days and has received the wages of Rs. 225/- Similarly Ex. M-14 is the Xerox copy of the muster roll register for the period from 19th August 1980 to 18th September 1980 under which Veeramuthu has worked for 28 days and received the wages of Rs. 238/- Ex. M-15 is the xerox copy of the muster roll register for the period from 19th September 1980 to 18th October 1980 under which Veeramuthu has worked for 26 days and received the wages. Ex. M-16 relates to the period from 20-11-80 to 20-12-80 wherein Veeramuthu has worked and received the wages for 25 days. Ex. M-17 is also the xerox copy of the muster roll register showing Veeramuthu has worked 8 days from 22nd December 1980 to 31st December 1980 and 15 days

from 1-1-81 to 20-1-81 and received wages. Similarly under Ex. M-18 he has worked for 23 days from 21-1-81 to 22-2-81 and received wages. According to this witness, Veeramuthu did not turn up after 22-2-81 and his evidence is also to the effect that as per muster roll register he has not worked for 240 days. In the end he would deny that Veeramuthu has been terminated. In the cross-examination it was answered by the witness after Veeramuthu has left on his own accord he did not intimate the issue of removal from the muster roll by any notice or order to him. He would deny the suggestion no muster roll was filed for the days he has worked. He would also deny since Veeramuthu's name was not sponsored by the Employment Exchange, he was terminated. Thus his evidence furnishes the particulars and actual days worked by Veeramuthu, which is less than 240 days. The cross-examination of this witness has not revealed anything contradictory. The Petitioner-Union except contending that Veeramuthu has worked for more than 240 days has not chosen to substantiate the same by producing any materials. In fact, even Veeramuthu has not gone to the witness box. Moreover, W.W.1, the Secretary of the Petitioner Union has stated that the Union has come into being only in 1980 and registered in 1984, cannot be a competent witness to speak the facts that took place in 1979. M.W.2 is the Assistant Engineer, working under the 3rd Respondent. He would say as per records, Suresh Kumar worked as a Electrical Khalasi. His daily wages will be paid every month after obtaining an acknowledgement. He would file Ex. M-19 Xerox copy of muster roll register for the period from 24th April 1980 to 23rd May 1980 showing that Suresh Kumar has worked for 25 days and received wages of Rs. 162/- Ex. M-20 to M-38 are Xerox copies of muster roll registers from the period 24th May 1980 to 21st July 1984 showing the various days worked by him (Suresh Kumar) and receipt of wages Ex. M-39 to M-41 relates to 24th June 1980 to 25th September 1980. These documents only show that he worked 201 days in 1980; 146 days in 1981; 53 days in 1983 and 171 days in 1984. Ex. M-42 to M-99 covering a period from 26th November 1980 to 20th July 1984 would show that Suresh Kumar has not worked in those days. Of course, in the cross examination it is elicited that Suresh Kumar has worked 223 days from 1-7-83 to 30-6-84 and if Sundays are included it will be more than 240 days. It is also accepted by the witness that Suresh Kumar was not paid compensation. He would answer whether after Ex. W-1 Suresh Kumar was terminated under Ex. W-2 was any reply sent to the Superintendent Engineer, he would say "no".

Ex. W-1 dated 7-7-84 is the Circular issued by the Superintendent Engineer to his subordinates directing in future no employment on muster roll is done without proper nomination through the Employment Exchange. Ex. W-2 dated 21-7-84 is a letter written by Assistant Engineer(E) to the Executive Engineer(E) showing the proforma 'NIL' regarding the absorption of muster roll workers. It is urged by the counsel for the Petitioner that on these two circulars no answer was given by the witness. Subsequent to W-1 and after terminating the workers, a reply was sent under the proforma stating as 'nil'. Whatever may be these circulars have no relation to this case

since the petitioner has to prove whether the workers had fulfilled the conditions mentioned in the provisions of Industrial Disputes Act. The workers ought to have proved from the answers given by M.W. 2 that Suresh Kumar has worked more than 240 days. It is forgotten by the learned counsel for the Petitioner that Suresh Kumar has worked for 223 days and if 52 Sundays were included it would come 275 days. At this stage it is significant to note that the learned counsel for the Petitioner relying on 1985-II-L.L.J. page 539 (Workmen of American Express vs. Management of American Exp.). It is contended that Sundays and other holidays for which wages were paid under the law by contract or statute should be treated as days on which the employee actually worked under the employer for the purpose of Section 25-F r/w 25-B of the Industrial Disputes Act. It is seen in this decision to include those holidays, they have to be paid holidays. In this case it has not been shown that Suresh Kumar has worked in Sundays and other holidays and he has been paid wages. Therefore in the absence of any evidence to this effect it cannot be said that he worked more than 240 days thereby enabling to get the benefits of the Industrial Disputes Act. It is seen from the evidence that the workers were not in continuous service as contemplated under Section 25-B of the Industrial Disputes Act. Section 25-B says as follows :

- "(1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike, which is not illegal, or a lock-out or a cessation of work which is due to any fault on the part of the workman;
- (2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer—
 - (a) for a period of one, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
 - (i) one hundred and ninety days, in the case of a workman employed below ground in a mine; and
 - (ii) two hundred and forty days, in any other case;"

The documents namely Ex. M-1 to M-99 were filed in this case, purely go to show that the workers were appointed under muster rolls and they have not completed 240 days as per Section 25-B. But on the other hand the plea of the Respondent is that as per the regulation O.M. 39/8/81/ECX dated 9-7-81, the muster roll workers should possess experience of minimum of two years continuous service as on 1st January and those were put in at least 240 days including the broken period service, during each

of the two years service shall be eligible to be considered for absorption. Viewed from either way, the workers had not fulfilled the conditions as contemplated. The other contentions of the learned counsel for the Petitioner is that Section 25-F has been violated. Section 25-F of the I.D. Act imposes conditions precedent to retrenchment of workmen. Those conditions could be attracted only where the worker has been under continuous service for not less than one year. In otherwords if Section 25-B is satisfied the provisions of Section 25-F will be attracted. Hence the contention that Section 25-F of the I.D. Act has not been complied with is not acceptable. Consequently the argument of the Petitioner is that Section 25-G of the I.D. Act namely the procedure for retrenchment had not been complied with also has no legs to stand. All these arguments are of no consequence since firstly the workers were not retrenched; and secondly even assuming it is a retrenchment, they have not completed the continuous service as per Section 25-B of the I.D. Act. The testimony of M.W.1 is that when the worker is appointed under the muster roll register he would be marked present in the muster roll register and his absence is noted as 'a' (absent) and no one could ask why he was absent. It is also his evidence that it is not necessary for the worker to give a leave letter. He would further add, if the worker is absented continuously, he will be noted as 'absconding or left'. In short his version is whenever he comes for work, he will be allowed to work and his absence will not be questioned or any action will not be taken against him. Moreover, the evidence in this case as spoken to by M.W.1 and M.W.2 is that there was no termination by them and the workers themselves absented continuously. Regarding the contention the juniors to the worker were appointed, the answer of M.W.1 and M.W.2 is that Juniors were regular in their duties and fulfilled the conditions and therefore they have been appointed whereas the two workers absented from duty on their own accord. Viewed from any angle, the Petitioner Union has not made out a case enabling them to get their relief.

7. Hence this point is found against the Petitioner-Union.

8. Point (ii) In the result, an award is passed justifying the action of the Executive Engineer, CPWD, CCED, Coimbatore (TN) and Executive Engineer, Central Electrical Division III, CPWD, Madras from terminating Sri V. Veeramuthu and Sri V. Suresh Kumar, Mazdoors from service with effect from 21-2-1981 and 22-7-1984 respectively. The workers are not entitled to any relief. No costs.

Dated, this the 26th day of August, 1989.

THIRU K. NATARAJAN, Industrial Tribunal.

[No. L-42011]59|86-D.II(B) (Pl.)]

WITNESSES EXAMINED

For workmen : W.W.1 - Thiru S. Mohamed Ali.
For Management : M.W.1 - Thiru D. Jayaraman
M.W.2 - Thiru K. Srinivasagopalan.

DOCUMENTS MARKED

For workmen :

Ex. W-1/7.7.84 - Proceedings of the Superintending Engineer, CPWD, Madras (Xerox copy)
W-2/21-7-84 - Letter from Assistant Engineer (E), CPWD, Madras-65 to the Executive Engineer (E), MCD, CPWD, Madras-14 regarding absorption of Muster Roll Workers (Xerox copy).

For Management :

Ex.M-1 - Xerox copy of Muster Roll of Thiru K. Vectramuthu for the period 3-11-79 to 2-12-79.

M-2	-	do -	4-11-79 to 3-12-79
M-3	-	do -	13-12-79 to 13-1-80
M-4	-	-do -	17-1-80 to 16-2-80
M-5	-	-do -	17-1-80 to 16-2-80
M-6	-	-do--	17-2-80 to 18-3-80
M-7	-	-do-	17-2-80 to 18-3-80
M-8	-	-do-	8-3-80 to 7-4-80
M-9	-	- do -	19-3-80 to 15-4-80
M-10	-	-do -	19-3-80 to 15-4-80
M-11	-	-do	16-4-80 to 16-5-80
M-12	-	-do-	14-7-80 to 17-7-80
M-13	-	-do-	18-7-80 to 17-8-80
M-14	-	-do -	19-8-80 to 18-9-80
M-15	-	-do -	19-9-80 to 18-10-80
M-16	-	-do --	20-11-80 to 20-12-80
M-17	-	-do--	22-12-80 to 20-1-81
M-18	-	- do -	21-1-81 to 20-2-81

V. SIVAKUMAR

M-19	-	-do--	24-4-80 to 23-5-80
M-20	-	-do -	24-5-80 to 23-6-80
M-21	-	-do -	26-9-80 to 25-10-80
M-22	-	-do -	27-10-80 to 25-11-80
M-23	-	-dS -	26-11-80 to 26-12-80
M-24	-	-do -	27-12-80 to 25-1-81
M-25	-	-do -	27-1-81 to 26-1-81
M-26	-	- do -	27-2-81 to 26-3-81
M-27	-	- do -	28-3-81 to 27-4-81

Ex.M-28 - Xerox copy of Muster Roll of Thiru V. Suresh Kumar for the period 28-4-81 to 27-5-81

M-29	-	-do -	29-5-81 to 28-6-81
M-30	-	-do -	21-10-83 to 20-11-83
M-31	-	-do -	21-11-83 to 20-12-83
M-32	-	-do -	23-12-83 to 19-1-84
M-33	-	-do -	20-1-84 to 19-2-84
M-34	-	-do -	20-2-84 to 19-3-84
M-35	-	- do -	21-3-84 to 19-4-84
M-36	-	-do--	21-4-84 to 19-5-84
M-37	-	-do-	21-5-84 to 20-6-84
M-38	-	- do -	22-6-84 to 21-7-84
M-39	-	-do-	24-6-80 to 25-7-80
M-40	-	-do--	26-7-80 to 25-8-80
M-41	-	- do -	27-8-80 to 25-9-80

Ex. M-42 - Xerox copy of Muster Roll for NMR workers for the period 26-11-80 to 25-12-80

M-43	-	-do--	29-6-81 to 28-7-81
M-44	-	-do--	29-6-81 to 28-7-81

Ex.M-45-	Xerox copy of muster roll for NMR workers for the period	29-6-81 to 28-7-81
M-46	- do -	29-7-81 to 28-8-81
M-47	- do -	29-7-81 to 28-8-81
M-48	- do -	29-7-81 to 28-8-81
M-49	- do -	29-7-81 to 28-8-81
M-50	- do -	31-8-81 to 25-9-81
M-51	- do -	31-8-81 to 25-9-81
M-52	- do -	31-8-81 to 25-9-81
M-53	- do -	26-11-81 to 25-12-81
M-54	- do -	26-11-81 to 25-12-81
M-55	- do -	26-11-81 to 25-12-81
M-56	- do -	11-1-82 to 27-1-82
M-57	- do -	7-1-82 to 27-1-82
M-58	- do -	28-1-82 to 25-2-82
M-59	- do -	28-1-82 to 25-2-82
M-60	- do -	28-1-82 to 25-2-82
M-61	- do -	28-1-82 to 25-2-82
M-62	- do -	26-2-82 to 25-3-82
M-63	- do -	26-2-82 to 25-3-82
M-64	- do -	26-2-82 to 25-3-82
M-65	- do -	26-2-82 to 25-3-82
M-66	- do -	26-3-82 to 20-4-82
M-67	- do -	26-3-82 to 20-4-82
M-68	- do -	26-3-82 to 20-4-82
M-69	- do -	26-3-82 to 20-4-82
M-70	- do -	22-4-82 to 21-5-82
M-71	- do -	22-4-81 to 21-5-82
M-72	- do -	22-4-82 to 21-5-82
M-73	- do -	22-4-82 to 21-5-82
M-74	- do -	22-5-82 to 21-6-82
M-75	- do -	22-5-82 to 21-6-82
M-76	- do -	22-5-82 to 21-6-82
M-77	- do -	22-5-82 to 21-6-82
M-78	- do -	23-7-82 to 21-8-82
M-79	- do -	23-7-82 to 21-8-82
M-80	- do -	23-8-82 to 29-9-82
M-81	- do -	23-8-82 to 29-9-82
M-82	- do -	23-8-82 to 29-9-82
M-83	- do -	23-9-82 to 22-10-82
M-84	- do -	23-9-82 to 22-10-82
M-85	- do -	24-2-83 to 23-3-82
M-86	- do -	24-2-83 to 23-3-83
M-87	- do -	25-5-83 to 20-6-83
M-88	- do -	25-5-83 to 20-6-83
M-89	- do -	21-6-83 to 19-7-83
M-90	- do -	21-6-83 to 19-7-83
M-91	- do -	20-8-83 to 19-9-83
M-92	- do -	20-8-83 to 19-9-83
M-93	- do -	20-8-83 to 19-9-83
M-94	- do -	20-1-84 to 19-2-84
M-95	- do -	21-4-84 to 19-2-84
M-96	- do -	21-4-84 to 19-5-84
M-97	- do -	21-4-84 to 19-5-84
M-98	- do -	21-6-84 to 20-7-84
M-99	- do -	21-6-84 to 20-7-84

क.अ. 2755:- औद्योगिक विवाद अधिनियम, 1947 (1947 की धारा 17 के अनुसार में, केन्द्रीय सरकार मिनीयर सुपरिनिटेंडेण्ट ऑफ़ पोस्ट आफिस, मूजफ़रपुर के प्रबन्धनतंत्र के मम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-10-89 को प्राप्त हुआ था।

S.O. 2755.—In pursuance of Section 17 of the Industrial Disputes Act 1947 (14 of 1947) the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Senior Supdt. of Post Office, Muzaffarpur and their workman, which was received by the Central Government on 4-10-89.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Section 10 (1) (d) (2A) of the Industrial Disputes Act, 1947.

Reference No. 11 of 1987

PARTIES :

Employers in relation to the management of Senior Superintendent of Post Office, Muzaffarpur.

AND

Their Workmen

PRESENT :

Shri S. K. Mitra, Presiding Officer

APPEARANCES :

For the Employers.—Shri A. Alam, authorised representative.

For the Workman.—Shri Anil Sarkar, authorised representative.

STATE : Bihar. INDUSTRY : Post Office.
Dhanbad, the 25th September, 1989

AWARD

By Order No. L-40012/16/86-D.II(B), dated, the 1st September, 1987, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Senior Superintendent of Post Offices, Muzaffarpur in terminating Mohd. Jahur from service w.e.f. 15-9-85 is legal and justified ? If not, to what relief and from what date, the concerned workman is entitled to ?”

2. The management of Senior Superintendent of Post Office, Muzaffarpur in justification of its action, presented the following case in written statement-cum-rejoinder :

The rules of postal department have prescribed the Appointing Authorities for appointments in different categories of posts under the Postal Department,

According to the prescribed rules the Appointing Authority at the Divisional level in respect of different posts are (i) Senior Superintendent/Superintendent of Post Offices, (ii) Sub-Divisional Assistant Superintendent of Post-Offices, (iii) Sub-Divisional Inspector of Post-Offices and (iv) Senior Post-Master/Post Master. There exists prescribed procedure for appointment of Daily Wages Mazdoors/Coolie in terms of which nominees from Employment Exchange are to be appointed to work as daily wages mazdoors. The concerned Appointing Authority did not call for the nominee from the Employment Exchange for appointment of daily wages Mazdoor/Coolie and no Appointing Authority had ever appointed the concerned workman as coolie. There is provisions under the Departmental rules to spend some money from contingent fund to manage unusual work off and on according to necessity, such as, conveyance of heavy mails etc. by engaging coolie. At Muzaffarpur H.O. there is a post of departmental mail peon whose duty is to exchange mails between Muzaffarpur H.O. and Muzaffarpur R.M.S. Raghunath Mahto worked as Mail Peon and he engaged the concerned workman as a Coolie whenever occasion arose for exchange of excess bags on payment of coolie charges. Raghunath Mahto engaged the concerned workman as coolie at his own risk and responsibility and got heavy mail carried by him. The engagement of the concerned workman as coolie for dealing with extra load of mail was a matter between Raghunath Mahto and the concerned workman and the management had no concern in the matter. He was known to Raghunath Mahto and not the management and payment of coolie vouchers were witnessed by Raghunath Mahto who engaged him. In view of these facts and circumstances payment of wages as per prescribed rates was not applicable in the case of the concerned workmen. Since the concerned workman was not appointed by the postal Department the question of termination of his engagement as Coolie does not arise. The concerned workman was not made to work for 12 hours on working days and 10 hours on Sundays and he was not appointed as a coolie on 1-10-81 as alleged by him. If the concerned workman is treated as part-time coolie the Industrial Disputes Act has got no manner of application to this case. In the circumstances, the management has prayed that the claim of the concerned workman is not tenable in law or on facts and should be rejected.

3. The case of the concerned workman, as appearing from the written statement submitted by him, is as follows :

He was appointed as Coolie on 1-10-81 on a daily wages of Rs. 6.50 (Rupees Six and paise fifty) only and since the date of his appointment he was made to work for 12 hours in a week and 10 hours on Sundays. Later his wages was raised from Rs. 6.50 to Rs. 12.00 for week days and Rs. 10 for Sundays i.e. at the rate of Rs. 1 per hour. His engagement as a Coolie on wages of Rs. 6.50 and later on wages of Rs. 12 for week days is a glaring instance of exploitation of labour by no less than an organisation of the Central Government. His repeated appeals for remedying the wrong done, instead of drawing attention, annoyed the authorities concerned was much so that his services were terminated by the authorities without any notice. He was engaged as a Coolie but

the work taken from him was that of a postman. He had put in more than statutory period of service required to be a permanent employee of the postal department, but the authority went on avoiding him making permanent and ultimately terminated his services without following any rules required for termination of service of a workman. Although his services were taken by the postal department in the name of a Coolie the continuous service he rendered clearly shows that the services taken from him were that of a permanent post. His case is a glaring instance which indicates that the Government Department is trying to prove its efficiency at the cost of the workmen. In the circumstances he has prayed that he be reinstated in service with full back wages and also for an order directing payment of difference of wages and other benefits which he is entitled to.

4. In rejoinder to the written statement of the management the concerned workman has denied and disputed each and every contention of the management and asserted that termination of his service by Superintendent of Post Offices, Muzaffarpur, is illegal and unjustified.

5. The management has examined three witnesses, namely, MW-1 Brind Prasad Singh, once posted as Clerk in the Head Post Office at Muzaffarpur, MW-2 N. R. Sarkar, posted as Sr. Post Master, Muzaffarpur Head Office from June, 1984 to November, 1986 and MW-3 V. N. Ram, Asstt. Superintendent of Post Office (Investigation) in the office of Chief Post Master General, Patna and laid in evidence a sheaf of documents which have been marked Exts. M-1 to M-4. On the other hand, the concerned workman has examined himself and laid in evidence a number of documents which have been marked Exts. W-1 to W-5.

6. The case of the concerned workman is that he was appointed as Coolie in Muzaffarpur Post Office (H.O.) on 1-10-81 on daily wages of Rs. 6.50 which was later raised to Rs. 12 per day for week days Rs. 10 for Sundays and that when he prayed for permanency in service after completion of service for statutory period, the authorities terminated his services with effect from 15-9-85.

On the other hand, the case of the management is that the concerned workman was not appointed as a Coolie on 1-10-81 and that as per rules there are various Appointing Authorities for different categories of employees under Postal Department and that prescribed Appointing Authorities at the Divisional level in respect of different posts including daily wages mazdoors coolie are (i) Senior Superintendent/Superintendent of Post Offices, (ii) Sub-Divisional Assistant Superintendent of Post-Offices, (iii) Sub-Divisional Inspector of Post-Offices and (iv) Senior Post-Master/post master. It is the further case of the management that their existed departmental mail peon at Muzaffarpur H. O. whose duty is to exchange mails from Muzaffarpur H.O to Muzaffarpur RMS back and Raghunath Mahto worked as mail peon for the purpose and Raghunath Mahto engaged the concerned workman as a Coolie at his own risk and responsibility whenever occasion arose for exchange of extra bags on payment of coolie charges. It is also the case of the management to spend some money from contingent fund to man-

age unusual work off and on according to necessity, such as, conveyance of heavy mails and that the payment of coolie vouchers were witnessed by Raghunath Mahto who engaged the concerned workman.

7. It is evident from the written statement submitted by the management that there are prescribed procedure/rules for appointment of daily wage mazdoors/coolie. It appears from photo copy of the circular that the postal department issued a circular on the subject : absorption of casual mazdoors and part-time casual mazdoors in regular Class IV cadre—relaxation given for clarification (Ext. M-3). Thus, it appears from the pleading of the management and the photo copy of the circular that appointment/engagement of daily wage mazdoors/coolie or casual mazdoors was not unknown to the postal department.

Casual Mazdoor is a workman whose employment is of a casual nature or who has been engaged for work which is of an essentially casual nature. The written statement of the management discloses that Raghunath Mahto, Mail Peon at Muzaffarpur Post Office engaged the concerned workman in order to cope with the work relating to mails between Muzaffarpur H.O. and Muzaffarpur RMS according to necessity on payment of coolie charges. The concerned workman has claimed that he was employed by Muzaffarpur H.P.O. or for services relating to Muzaffarpur H.P.O. while the management has asserted that the concerned workman was engaged by Raghunath Mahto, Mail Peon at Muzaffarpur II P.O. in order to cope with excess mails under exigencies of circumstances and that the management had got no connection with the concerned workman.

8. The concerned workman could not produce any formal letter of appointment issued in his favour by Appointing Authority of Muzaffarpur H.P.O. engaging him as a coolie/daily wage mazdoor or casual mazdoor. The management has produced and proved Attendance Register for the period from 1-12-84 to 31-12-84 (Ext. M-1/3), 1-1-85 to 31-1-85 (Ext. M-1/2, 1-2-85 to 19-3-85 (Ext. M-1/1) and from March 85 to September, 1985 (Ext. M-1). These registers do not contain the name of the concerned workman.

Sri A. Sarkar, authorised representative of the concerned workman, has criticised these registers by commenting that these registers are not complete document during the period the concerned workman worked under Muzaffarpur H.P.O. This criticism has some force. But I think that had all the attendance registers for the relevant period been produced, the name of the concerned workman would not possibly have been found there. The reason is that these attendance registers are meant for the regular Group 'D' employees of Muzaffarpur H.P.O. and since the concerned workman was not a regular employee of the said Post Office his name is not expected to be found there.

The management has produced the gradation list of Class IV employees and postman as corrected upto 1-3-85 (Ext. M-2). This list also does not contain the name of the concerned workman. The reason is obviously that the concerned workman was not a regular employee of Muzaffarpur H.P.O and so his name did not find place therein.

MW-1 Brind Prasad Singh was earlier posted as Clerk to Head Post Office and earlier to this he was posted to Section-II (Staff) of the said Post Office. He has stated that there is no provision obtaining in H.P.O. for appointment of coolie. MW-2 N. R. Sarkar was posted as Sr. Post Master, Muzaffarpur Head Office from June, 1984 to November, 1986. He has stated that there is no system or provision for engaging casual labour in Muzaffarpur H.P.O. These statements of these two witnesses do not inspire confidence since it is not the case of the management in its written statement that there is no provision or system for engaging coolie or casual labour in Muzaffarpur H.P.O. On the other hand, the emphatic case of the management is that prescribed appointing authority is competent to engage a coolie/daily wage mazdoor and that mail peon Raghunath Mahto used to engage coolie in accordance with exigencies of work. Both Sri Sarkar and Sri Singh have stated that they have not seen the concerned workman to work in the Post Office. Sri Sarkar was Sr. Post Master and so there might not have any occasion to see the concerned workman, a casual mazdoor/daily wage mazdoor or coolie working in the Post Office. Sri Singh was posted to Section II (Staff) and since he was dealing with the staff matters he might not have seen the concerned workman working for Muzaffarpur H.P.O.

9. On the other hand, the concerned workman has examined himself. He has emphatically stated that he was working in Muzaffarpur Head Post Office from 1-8-82 and that he was deployed for duty by the management for carrying Dak from Muzaffarpur H.P.O. to Rly. RMS and back. He has further stated that he had to perform duty for 12 hours a day and that he used to get wages at the rate of Rs. 12.50 per diam and that he used to get his wages on voucher signed by the Post Master and he has proved the certificate signed by the Post Master, Muzaffarpur Post Office which has been marked Ext. W-2, the certificate given by the Dy. Post Master (1) (marked Ext. W-3), Hazira sheet signed by Asstt. Post Master (marked Ext. W-4) and note book containing his attendance signed by Asstt. Post Master, Muzaffarpur (marked Ext. W-5) and record of his attendance kept by Asstt. Post Master, Muzaffarpur (Ext. W-1 series).

Sri Alam has criticised the case of the concerned workman by submitting that he does not know the date of his appointment as claimed by him in his written statement. In his written statement the concerned workman has claimed that he was appointed in Muzaffarpur Post Office as coolie from 1-10-81. But at the time of hearing he has stated that he was appointed in Muzaffarpur H.P.O. from 1-8-82. There is nothing in evidence to indicate that the concerned workman is highly intelligent or moderately literate. That being so, it may not be possible for him to remember his exact date of appointment in Muzaffarpur H.P.O. But his claim that he was appointed in Muzaffarpur H.P.O. is not false and this is proved by the certificate issued in his favour by Dy. Post Master (1), Muzaffarpur dated 21-3-83 wherein it has been noted that he was working on daily wages since 1-10-81 as daily wage coolie at the rate of Rs. 6.50 per day. The

Post Master, Muzaffarpur Post Office had certified on 2-11-84 that the concerned workman was a Class IV P&T Staff of Muzaffarpur H.P.O. The concerned workman has stated that this certificate was issued as Pass consequent upon assassination of Indira Gandhi, Prime Minister of India. It is a common knowledge that Indira Gandhi was assassinated on 31-10-84. This being so, the certificate or Pass was issued on 2-11-84. Thus, it is seen that the Post Master, Muzaffarpur, H.P.O. acknowledged the concerned workman as Class IV P&T staff of Muzaffarpur H.P.O. by his certificate dated 2-11-84 (W-2) Dy. Post Master (I), Muzaffarpur by his letter dated 21-3-83 has admitted that the concerned workman was working since 1-10-81 as daily wage coolie at the rate of Rs. 6.50 per day (Ext. W-3). The attendance sheets (Ext. W-1), Hazira relating to attendance (Ext. W-4) and Note Book (Ext. W-5) establish the fact that his attendance was kept by Asstt. Post Master, Muzaffarpur H.P.O. Upon a perusal of these attendance sheets, Hazira and note-book it appears that during 1982, 1983, 1984 and 1985 the concerned workman put in attendance of 120, 358, 330 and 211 days.

Sri Alam has criticised all these documents by submitting that all these documents are manufactured documents. But this criticism does not hold any water in view of the fact that no suggestion was given to the concerned workman while he proved these documents. On the other hand, MW-2 has admitted the postal seal as appearing on Ext. W-3 as genuine. The management could have demolished the authenticity of these documents by examining Ass't. Post Master, Dy. Post Master and Post Master of Muzaffarpur Head Post Office of the relevant period. But this the management has not done with the result that the contention of Sri Alam has got no basis at all and so it must be dismissed.

10. The circumstances also are indicative of the fact that the concerned workman was really engaged by the Muzaffarpur Head Post Office as casual mazdoor/daily wage mazdoor or coolie. MW-1 Brind Prasad Singh has admitted that postal mails are important luggage containing important documents and only the authorised staff are entitled to handle postal mails. MW-2 N. R. Sarkar has also admitted that postal mails are important documents and that they are dealt with by authorised persons and that no unauthorised person is allowed to deal with the same. It is the definite statement of the concerned workman that he was deployed for duty by the management for carrying dak from Muzaffarpur H.P.O. to railway RMS and back. He has not been cross-examined on this point that being so, the position emerges is that the concerned workman was deployed by Muzaffarpur H.P.O. for carrying postal dak from Muzaffarpur H.P.O to railway RMS and back.

The case of the management is that Raghunath Mahto Mail Peon, engaged the concerned workman for dealing with the excess bags on payment of coolie charges and that the management had no concern in

the matter. The evidence of MW-1 Brind Prasad Singh and MW-2 N. R. Sarkar establish the fact that postal mails and letters are considered to be very important documents and that such letters and mails are dealt with by authorised and departmental staff. Such being the position it is a matter of wonder as to why Raghunath Mahto was allowed to engage the concerned workman who, according to the management, is a outsider, to deal with the mails. The management has not examined Raghunath Mahto to prove that the concerned workman was engaged by him at his own risk and responsibility.

The written statement of the management indicates that payments to the concerned workman for his services were made by the department. The concerned workman has also stated that he used to get payment on vouchers signed by Post Master. Thus, it is established that the postal department used to pay the concerned workman for the services rendered by him to the Department.

11. Considering documentary evidence, such as, attendance sheets (Ext. W-1 series), Hazira (Ext. W-4), Note Book (Ext. W-5) and certificate of Dy. Post Master, Muzaffarpur (I) (Ext. W-3) and certificate of Post Master, Muzaffarpur H.P.O. (Ext. W-2) and the fact that the concerned workman used to handle postal mails, which, as per evidence of MW-1 and MW-2, are very important documents dealt with by authorised persons and departmental staff and the fact that the postal department used to pay the concerned workman for the services rendered by him to the department, I come to conclusion that the concerned workman was engaged by the Post Master of Muzaffarpur Head Post Office as casual mazdoor/daily rated mazdoor or coolie.

12. It appears that the concerned workman worked for 358 days in 1983, 330 days in 1984 and 211 in 1985 when his service was abruptly terminated by the management on 15-9-1985. Thus, it is seen that he has worked for more than 240 days in 1983 and 1984.

The concerned workman has stated in his evidence that he worked for more than 12 hours a day. He has not been cross-examined on this point. That being so, it is concluded that he was a full time employee. Thus, the position is reached that he worked for more than 240 days in 1983 and 1984 in Muzaffarpur H.P.O. as full time employee. In the circumstances, the management was not entitled to dispense with his services, even if he was a casual employee without complying with the provisions of Section 25F of the Industrial Disputes Act. That being the position, the action of the management in terminating the services of the concerned workman with effect from 15-9-1985 is not justified.

13. The concerned workman was a casual worker. There are certain norms for absorption of such casual workers in employment of the Postal Department and that is envisaged in circular on the subject—absorption of casual mazdoors and daily rated casual mazdoors in regular Class IV cadre (Ext. M-3). There is no evidence that the concerned workman was a nominee of the Employment Exchange. In the circumstances, I consider that the management will be put to difficulty if it is directed

to absorb the concerned workman as regular employee of the department without abiding by its own circular. In the circumstances, I think that the management should reinstate the concerned workman in service as casual mazdoor and give him opportunity to get his nomination from the Employment Exchange with regard to his candidature as casual employee for absorption in service as regular employee.

14. Accordingly, the following award is rendered—the action of the management of Senior Superintendent of Post Offices, Muzaffarpur in terminating Mohd. Jahur from service w.e.f. 15-9-1985 is not legal and justified. The management is directed to reinstate him in service as casual mazdoor within one month from the date of publication of this award and give him opportunity to get his nomination from the Employment Exchange for his absorption as Class IV employee of the Department.

In the circumstances of the case, I award no cost.

S. K. MITRA, Presiding Officer
[No. L-40012/16/86-D.II(B)(Pt.)]

नई दिल्ली, 16 अक्टूबर, 1989

फा.या. 2756:- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुग्रहण में, केन्द्रीय सरकार सी पी डब्ल्यू ई नई दिल्ली के प्रवन्धनाल के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय नियोजक अधिकारण, नई दिल्ली के पंचपट को प्रकाशित कर दिए, जो केन्द्रीय सरकार को 29-9-89 को प्राप्त हुआ था।

New Delhi, the 16th October, 1989

S.O 2756.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Director General works, C.P.W.D., New Delhi and their workmen, which was received by the Central Government on 29-9-89.

BEFORE SHRI G. S. KALRA : PRESIDING OFFICER CENTRAL GOVT. INDUSTRIAL TRIBUNAL :NEW DELHI

I.D. No. 23/88

In the matter of dispute between :

1. Shri Doitari Swain,
2. Shri Srinivas Muduli
3. Shri Trailoko Behera
4. Babaji Das
5. Bidyadhar Mahorana
6. Bhagwan Nayak
7. Kamleshwar Mahato
8. Jugul Chandra Bhoi

Through the Secretary, Central P.W.D. Mazdoor Union, E-26, Raja Bazar, Baba Kharag Singh Marg, New Delhi.

Versus

The Director General Works,
Central Public Works Department,
Nirman Bhawan, New Delhi.

APPEARANCES :

Shri H. S. Vats for the workmen.
Shri S. C. Padliy, Ex. Engineer for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42011/14/87-D.II(B) dated 16-3-88 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Director General Works, C.P.W.D. New Delhi, in terminating the following employees from service from the dates shown against each is legal/justified? If not, to what relief the workmen concerned are entitled? and from what date?"

2. The case of the workmen is being espoused by the C.P.W.D. Mazdoor Union and the statement of claim has been filed by the Union. It has stated that all the 8 workmen covered by the reference had completed 240 days of service and they were wrongfully and illegally terminated despite the fact that the works on which they were engaged were regularly available. The workmen were allotted to on work order|contractor which is in violation of the Contractor Labour (Regulation and Abolition) Act, 1970. There is a Unit of seniority of whole Orissa of CPWD workmen and there is Executive Engineer Bhubaneswar Central Division, CPWD, Bhubaneswar, had to regularised as work charged services of these workers. However, he regularised the services of Beldare and junior persons to the claimants and these workers were discriminated against in the matter of regularisation. The Executive Engineer Sambalpur Central Division, CPWD had been paying pay and allowances in the regular pay scale of Rs. 70-85 upto 31st December, 1972, and pay scale of Rs. 195-232 from 1-1-73 but the claimants were discriminated in the matter of pay and allowance from the date of their respective employment as they were paid only the minimum wages. It is alleged that the Management has not followed the mandatory provisions of section 25(f), (g) and (h) of the I.D. Act prior to terminating the services of the claimants. Hence the claimants have prayed for reinstatement in the time scale of work charge employers with fullback wages and continuity of service, payment of pay and allowances equivalent to work charged permanent establishment from the date of respective employment, with other benefits like effective holidays, leave entitlement, uniform bonus etc. and regularisation in the work charged establishment on the date their juniors have been appointed in the workcharged category.

2. The Management in its written statement raised the preliminary objection that the claim is not maintainable because none of the claimants had completed 240 days of service and that they are not entitled to retrenchment benefits. On merits it was submitted that the claimants were engaged purely for very temporary work and nobody has completed 240 days service. Since the daily rate workers are engaged on purely temporary basis they are terminated after the expiry of muster roll and question of payment of gratuity does not arise. It was denied that the Management had wrongly and illegally terminated services of these workmen or allotted the work order|contract in violation of the Contract Labour (Regulation and Abolition) Act, 1970. As the Muster Roll was discontinued after the expiry of the period of services of the workers engaged on the muster roll were not required and they were automatically discontinued. It was denied that some new workers were engaged in the same muster roll in place of the old ones and it was submitted that engagement on fresh Muster Roll at a later|subsequent period as per requirement if any does not have any bearing on the discontinued muster roll. It was also denied that the Executive Engineer CPWD has to regularised as work charged services of all the workmen, as alleged. It was further stated that the claimants were given to understand before their engagement Muster Roll that they were engaged purely temporary basis and their services could be terminated at any time. Their services were terminated as soon as Muster Roll was discontinued and question of their discontinuance would not arise.

4. The terms of reference make it clear that what this Tribunal is required to determine is whether termination of these 8 workmen was legal and justified. In other words whether the provisions of Section 25-F have been violated. The pleadings of the Union pertaining to Section 25-G and H and violation of the provision of Contract Labour (Regulation and Abolition) Act have traversed beyond the scope of the reference and hence they cannot be looked into under the present reference, as this Tribunal does not have the jurisdiction to enhance the scope of the reference.

5. In order to attract the provisions of section 25 of the I.D. Act, it is a sine-qua-non for the claimants to prove that they had been in continuous service for not less than one year as defined under section 25-B of the I.D. Act i.e. they have to prove that they had put in at least 240 days of work in the 12 calendar months preceding to the date of their termination. However, none of the claimants has been able to prove that he had put in the requisite number of working days and completed one years continuous service. The Union has not been able to produce any record in this respect. However, the Management has produced the statements Ext. M1 and M3. According to statement Ex. M1 Shri Deitari Swain had put in 129½ days. It is for the period between 18-3-74 to 19-8-75. Shri Srinivas Muduli had put in 121 days between 25-3-74 and 31-8-76, Shri Trailokyo

Bchera, and Babaji Das had not put in any work during this period and Shri Bidyadhar Mahorana had put in days between 21-6-74 to 5-7-74, and Shri Bhagwan Nayak had put in 94 days between 18-6-74 to 25-1-75. There is no information about Shri Kamleshwar Mahato and Jugal Chandra Bhoi for this period. According to statement Ex. M3 it has been mentioned that S|Shri Daitari Swain, Srinivas Muduli, Trailokyo Bchera and Babaji Das had not worked under the Sub Division since 8/79 to 12-1-83 and it was not known whether they worked ~~between period 1972 to July, 1979 as no records~~ available. Similarly it has been mentioned that it was not known whether S|Shri Bidyadhar Mahorana and Bhagwan Nayak had worked for 1975 as no records were available for the period. Shri Kamleshwar Mahato is shown to have worked for 208 days from 26-6-82 to 1-5-83 and he was retrenched after 1-6-83. Similarly Shri Jugal Chandra Bhoi is shown to have worked for 208 days from 18-7-81 to 3-5-83 and he was retrenched after 1-6-83. The Management cannot be blamed for not having the requisite record because the dispute was raised by the workmen belatedly. The alleged dates to termination are 12-1-82, 29-9-83 and 1-6-83 whereas the reference was made only in 1988. Hence it is not proved that any of the workmen had completed 240 days in the 12 calendar months proceeding the alleged dates of their termination and consequently no violation of section 25-F of the Act has been proved. Shri H. S. Vats President of the CPWD Mazdoor Union in his statement as M3 has admitted that as per departmental instructions 240 days of work for the two consecutive years is necessary for regularisation but added that the claimants would have qualified if they were not given artificial breaks and finally retrenched. However, Union has not been able to produce any evidence to prove that there were any artificial breaks. The witnessess examined by the Union in this respect have not supported this contention of Union. Thus WW1 Shri D. Jena stated that he had joined as Beldar|Chowkidar in 1982 at Bhubaneswar and was regularised as chowkidar in November, 1984. But he did not know whether the claimants were senior or junior to him and he also did not know whether claimants had been working or discontinued when he joined service on muster roll. Similarly M2 Shri K. Sahu stated that when he joined service on muster roll in March, 80 he worked as chowkidar|Beldar and is working as Chowdikar since 1982 when he was regularise. He did not know whether the claimants were senior or junior to him as he was working at Bhubhneswar. He was never given any break after 90 days when he was on muster roll. Many other persons were working on muster roll but they were discontinued after 7-8 months but they were never given any breaks. The Management has also placed on record documentary evidence to show that the renewing of runway painting in taxi truck apron and cleaning of grass from the side stripe of periphery road and grass cutting off the tax and truck cleaning of drains were always given to contractors by inviting tenders and these

documents repeal the contention of the union that the works on which the workmen were employed were or on giving on contract in violation of the Contract Labour Regulation and Abolition Act. The Management has also placed on record a statement showing the names of the persons whose services were regularised who had been engaged during the period 6-10-78 to 13-7-81. All these persons had been sponsored by Employment Exchange and had completed 240 days of service in two consecutive years which was admittedly the requirement for regularisation. On the other hand none of the claimants is shown to have completed 240 days of work even in one year, not to speak of two consecutive years. Hence the charge of discrimination is also not proved.

6. In view of the discussion made above, this reference is answered in favour of the Management and against the workmen and it is held that workmen are not entitled to any relief.

G. S. KALRA, Presiding Officer

31st August, 1989.

[No. L-42011]14|87-D.II(B)]
HARI SINGH, Desk Officer

मई दिल्ली, 13 अक्टूबर, 1989

का.आ. 2757 :-ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रत्यरुपण में, केन्द्रीय सरकार ऑर्डरस्टल बैंक अफ कॉर्मस के प्रबन्धनात्व के संबद्ध नियोजनों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण, नई दिल्ली के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

New Delhi, the 13th October, 1989.

S.O. 2757.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the Oriental Bank of Commerce and their workmen, which was received by the Central Government.

ANNEXURE

BEFORE SHRI G. S. KALRA : PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL : NEW DELHI

I.D. No. 136|88

In the matter of dispute between :

Shri Narendra Kumar Jain, C.U. 100, Vishakha Enclave, South Pitam Pura, Delhi-34.

Versus

Chief Manager, Oriental Bank of Commerce, 4/65, Padam Singh Road, Western Extension Area, Karol Bagh, New Delhi.

APPEARANCES : None.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012|12|360|88-D.2(A) dated 8-12-1988 has referred the following industrial dispute to this Tribunal for adjudication :

‘Whether the action of the management of Oriental Bank of Commerce in terminating the services of Shri Narendra Kumar Jain and not considering him for further employment while recruiting fresh hands under section 25-H of the I.D. Act is justified ? If not, to what relief is the workman entitled ?

2. The workman did not file his statement of claim and other documents as per directions given in the order of reference, within the stipulated period. Several registered notices were also issued by this Tribunal but the workman has not put in appearance. Therefore, it appears that the workman has lost interest in this dispute. Hence no dispute award is given and this reference is disposed of accordingly.

For her it is ordered that the requisite number of copies of this award may be forwarded to the Central Government for necessary action at their end.

G. S. KALRA, Presiding Officer
31st August, 1989.

[No. L-12012|360|88-D.2(A)]

का.आ. 2758:-ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रत्यरुपण में, केन्द्रीय सरकार यूनियन बैंक अफ इंडिया के प्रबन्धनात्व के संबद्ध नियोजनों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण, कानपुर के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

S.O. 2758.—In pursuance of Section 18 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the Union Bank of India and their workmen, which was received by the Central Government.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, KANPUR

Industrial Dispute No. 16 of 1988

In the matter of dispute

BETWEEN :

Shri O. P. Mishra
Asstt. Gen. Secretary
Union Bank Employees Union
120/459 Lajpat Nagar, Kanpur.

AND

The Regional Manager
Union Bank of India
Regional Office
117/H-1/240 Pandu Nagar,
Kanpur.

AWARD

1. The Central Government Ministry of Labour, vide its Notification No. L-12012/159/87-D.II(A) dt. 10-2-88, has referred the following dispute for adjudication to this Tribunal for adjudication :

"Whether the action of the Union Bank of India in debarring Shri I. L. Kanodia w.e.f. October 1987, from promotion to any special allowance post on the ground of his refusal to accept cash peon post which carries equal allowance which he is already getting is justified? If not to what relief the concerned workman is entitled?"

2. The admitted facts are that the workman is a permanent employee of Union Bank of India and has been working as peon-cum-watchman since 26-7-77. By virtue of his designation he has been drawing special allowance of Rs. 33 per month as per provisions of the Bipartite Settlement.

3. The Industrial Dispute on behalf of the workman has been raised by the Assistant Gen. Secretary Union Bank Employees Union Kanpur. The case of the Union is that on 25-10-86, one post of Bill Collector fell vacant in the General Ganj Branch of the Bank at Kanpur. The workman being the senior most was entitled to his posting as Bill Collector. But instead of making him Bill Collector, which post attracts special allowance of Rs. 66 per month, the management offered him the duties of cash peon, which post attracts the special allowance of Rs. 33 per month which he was already getting. On 27-10-86 the workman refused to accept the assignment of cash peon whereupon the management debarred him for any higher assignment for a period of 3 years by means of their letter dated 18-11-86. The Union has, therefore, prayed that the said order debarring the workman for any higher assignment for a period of 3 years be set aside and the management be directed to pay him special allowance of Rs. 66 per month w.e.f. 25-10-86.

4. In reply the management plead that since the workman refused the officer of assignment of duties of cash peon he was debarred for any higher assignment for a period of three years in terms of promotion policy of the bank. Clause IV(c) of Staff Circular No. 2659 dated 8-2-84 clearly lays down that in case of dual designation the higher assignment in the category of peon apply in the same way as in respect of a peon holding single designation. Thus the workman has no case at all on merits.

5. In its rejoinder the union has alleged no new fact.

6. In support of its case, the Union has filed the affidavit of the workman and a few documents. On the other hand the management, in support of its case, has filed the affidavit of Shri Rajesh Pandey, Personnel Officer.

7. In this case 21-8-89 was fixed as the date for hearing of arguments. On that date it was noticed by the Tribunal that the order dated 18-11-86 which has been challenged by the Union has not been filed by the Union or the Management. This fact was admitted by Shri O. P. Mishra, Assistant General Secretary, of the Union. It further came to light that the said order dated 18-11-86 had been withdrawn by the management subsequently by means of their letter dated May 21, 1987. The statement of Shri Mishra, was taken down on the order sheet and his signatures obtained. Shri Mishra being in possession of copy of order dated 21-5-87, filed the said order. From the copy of the order it is crystal clear that the order dated 18-11-86, by means of which the workman was debarred for 3 years for any higher assignment was vacated by the Regional Manager, Regional Office, Kanpur. Thus there being no longer any order debarring the workman for giving any higher assignment, the question of determining its legality or justification does not arise. In fact this fact that the order under challenge has been vacated should have been brought to the notice of the Central Government, Ministry of Labour by the parties. Had the parties done so, the Central Government would not have been made any such reference. With the vacation of the order, the reference has become infructuous.

dated 23-8-89.

ARJAN DEV, Presiding Officer.
[No. L-12012/159/87-D.II(A)]

का.आ।. 2759:- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन बैंक के प्रबन्धतात्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकारण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

S.O. 2759.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure in the Industrial Dispute between the employers in relation to the Indian Bank and their workmen, which was received by the Central Government.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMILNADU MADRAS-104

Tuesday, the 22nd day of August, 1989

PRESENT :

THIRU K. NATARAJAN, M.A., B.L.

Industrial Tribunal

INDUSTRIAL DISPUTE No. 45/89

(In the matter of dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of Indian Bank, Madras.)
Between the workmen

Represented by

The General Secretary, Indian Bank Staff Union,
No. 153, Lake View Road, Madras-600 033.

AND

The General Manager, Indian Bank, No. 31,
Rajaji Salai, Madras-600 001.

REFERENCE : Order No. L-12011|79|88-D.II(A)
dt. Nil, of the Ministry of Labour
and Rehabilitation, Government of
India, New Delhi.

This dispute coming on this day for final disposal in the presence of Thiru R. Arumugan for Thiruvalargal Aiyar and Dolia, Advocates appearing for the Management upon perusing the reference, and other connected paper on record and the workmen being absent, this Tribunal passed the following.

AWARD

This dispute between the workmen and the Management of Indian Bank, Madras arises out of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in its Order No. L-12011|79|88-D.II(A), dt. Nil of the Ministry of Labour and Rehabilitation for adjudication of the following issue :

"Whether the action of the management of Indian Bank in not giving regular employment to all the persons who have completed 240 days of continuous service in a period of 12 months or less and put in the panel for sub-staff is justified ? If not, to what relief are the concerned workmen entitled ?"

2. Parties were served with summons. Management was represented by counsel.

3. Inspite of several adjournments, Petitioner-Union was absent and no representation was made on its behalf. No claim statement was filed.

4. Today also, when the dispute was called, no one represented on behalf of the Union. No claim statement was filed, though the case was passed over till 11.35 A.M. The Management was represented by counsel.

5. Hence Industrial Dispute is dismissed for default.

Dated, this the 22nd day of August, 1989.

K. NATARAJAN, Industrial Tribunal.

[No. L-1211|79|88-D.II(A)]
N. K. VERMA, Desk Officer.

नई दिल्ली, 16 अक्टूबर, 1989

का.आ. 2760 :— उत्प्रवास अधिनियम, 1983),
(1983 का 31) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों के प्रयोग करने हुए केन्द्रीय सरकार श्री एन. के.गुप्ता, अनुमान अधिकारी को दिनांक 16 अक्टूबर, 1989 में अगला आवंश जारी होने तक उत्प्रवासी संरक्षा-II, बॉम्बे के रूप में नियुक्त करनी है।

[सं. अ-22012(1)-89-उ. प्र.]
प्रदीप सिंह, अवर सचिव

New Delhi, the 16th October, 1989

S.O. 2760.—In exercise of the powers conferred by Section 3, Sub-Section (1) of the Emigration Act, 1983 (31 of 1983), the Central Government hereby appoints Shri N. K. Gupta, Section Officer as Protector of Emigrants, Bombay-II with effect from 16th October 1989, till further orders.

[No. A-22012|89-Emig.]
PRADEEP SINGH, Under Secy.

